



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21431 of 2018

ABIBULLAH@HABEEB RAHUMAN

... PETITIONER / 1st ACCUSED

Vs

THE STATE
THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.
Crime No.630 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

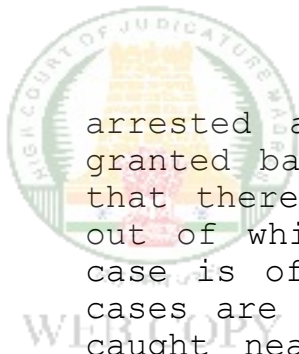
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 12.11.2018 for the offence punishable under Section 328 of I.P.C. altered into 328 of I.P.C., r/w 20(2) of the Cigarettes and Tobacco Products (Prohibition of Advertisement and Regulation of Traded and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.630 of 2018, on the file of the respondent police, seeks bail.

2. The learned Counsel for the petitioner would submit that the petitioner is a private political party due to which the case has been foisted against the petitioner and most of the cases are flux board and other offences. The petitioner is on bail in all other cases except one case in Crime No.566 of 2018 registered by the Vadamadurai Police Station in which he was arrested on 09.11.2018. In this case, the petitioner was arrested on 12.11.2018 and no recovery was made from the petitioner and that the petitioner has been falsely implicated.

3. The Additional Public Prosecutor would submit that the petitioner had sold 157 pockets of Tobacco to the second accused and the second accused selling the same in Petty shop and he was



arrested and released on bail and that the petitioner already granted bail by the order of this Court. He would further submit that there are 13 cases had been filed against the petitioner and out of which, 8 cases were foisted for election offences and one case is of the year 2002 and another is of the year 2006 and two cases are in a similar offence and in one case the petitioner was caught near School and other case near temple who were selling Tobacco products. He admitted that no recovery has been made from the petitioner.

4. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-III, Dindigul and on further condition that:

[a] the petitioner shall report before the respondent police, daily at 10.30 a.m., for a period of two weeks.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO



2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.VENKATESH Advocate SR.No.22615

ORDER
IN
CRL OP (MD) No.21431 of 2018
Date :04/12/2018

TK/PN/SAR-2/04.12.2018/3P/7C