



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

Friday, the Sixteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20526 of 2018

ABDUL KADHAR @ KHAN @ CHAN

... PETITIONER / 2nd ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.630 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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 24.10.2018 for the offences punishable under Sections 328 IPC altered into Section 328 IPC and 20(2) of the Cigarettes and other 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 case of the prosecution is that the petitioner was running a petty shop. He said to have sold a small tobacco packet to the defacto complainant and after consuming the same, the defacto complainant vomitted and felt giddiness. For which, the defacto complainant lodged a complaint.

3. The learned counsel for the petitioner would submit that the first accused directed the petitioner to sell tobacco packet. But the petitioner has not sold any tobacco packet to the defacto complainant and he was not aware of the same. He further submitted that he has been falsely implicated in the above case and he is an innocent person and he has not committed any offence as alleged by the prosecution.



4. The learned Additional Public Prosecutor would submit that the petitioner has no previous case.

5. 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.

6. 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul, and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[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/-

16/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, DINDIGUL

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

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.



+1. CC to M/S.D.VENKATESH Advocate SR.No. 21656

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ORDER

IN

CRL OP (MD) No.20526 of 2018

Date :16/11/2018

JM/MMS/SAR 2/16.11.2018/3P/7C