



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1653 of 2019

MADASMAY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.22 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN, 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 11.01.2019 for the offences punishable under Sections 7(1), 24 (1) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of I.P.C., in Crime No.22 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.01.2019 at about 13.30 hours on patrolling the respondent police found that the petitioner along with the other accused persons having 360 pockets of contraband Tobacco and Gutkha in a Car. Hence the complaint.

3. The learned counsel for the petitioner would submit that the allegation levelled against the petitioner is false, the respondent ought not to have invoked Section 328 of I.P.C. and the same is not attracted as against the petitioner and he is no bad antecedent and the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner is the driver of the Car, the seized items ie., 360 packets, which were recovered and is huge amount and hence, custodial interrogation of the petitioner is necessary in this case. Hence this bail application may be dismissed.



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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tirumangalam and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m and 05.30 p.m until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TIRUMANGALAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, THIRUMANGALAM,
MADURAI.
4. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.JEGADEESH PANDIAN Advocate SR.No.2190

ORDER

IN

CRL OP(MD) No.1653 of 2019

Date :01/02/2019

MS/PN/SAR-4/01.02.2019/2P.7C