



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10806 of 2019

Selvaraj

... Petitioner/Accused No.3

Vs

State Rep.by

The Inspector of Police,
Thirumangalam Town Police Station,
Madurai, Madurai District.
(Crime No.328 of 2019.

... Respondent/Complainant

M.I.Mohammed Abdullah

... Petitioner/ Intervene Petitioner/
Defacto Complainant

For Petitioner : Mr.S.Palani Velayutham, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervenor : Mr.M.Jerin Mathew, Advocate

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

PRAYER :-

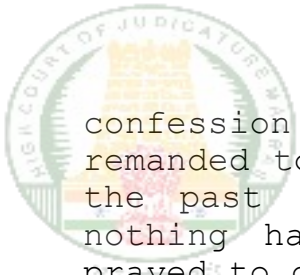
for bail in Crime No.328 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.3 seeking bail for the alleged offence under Sections 482,486 and 420 of IPC and Section 24(1) of Cigarattee and other Tobacco Products Act, 2003.

2. Heard both sides

3. The learned counsel for the petitioner would submit that as per the First Information Report, only the first and second accused alone have committed the offence and based on the confession given by A1, this petitioner has been arrayed as accused. He further submitted that even in the said confession A1 has stated that the petitioner has printed label of syed beedi and supplied the said label to the first accused. He further submitted that based on the



confession given by A1 the petitioner herein was arrested and remanded to judicial custody on 13.07.2019 and he is in custody for the past 19 days and also submitted that during interrogation nothing has been recovered from this petitioner. Therefore he prayed to grant bail to the petitioner.

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4. The learned counsel for the intervenor would submit that based on the confession given by A1, the petitioner herein was arrayed as accused, subsequently he was arrested on 13.07.2019 and based on his confession some labels have also been recovered from the petitioner. He further submitted that since the petitioner has supplied bogus labels, A1 and A2 sold beedies by affixing the said label, caused loss to the defacto complainant company. Hence he strongly opposed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor would submit based on the confession given by A1, this petitioner was arrested on 13.07.2019 and when he was interrogated, nothing has been recovered from him. However he opposed this petition on the ground that investigation is still pending.

6. Taking into consideration of the allegations made against the petitioner and also the fact that the petitioner is in custody for the past 19 days and also the fact that only based on the confession given by A1 before the police, this petitioner has been arrayed as an accused and during interrogation nothing has been recovered, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 Judicial Magistrate, Thirumangalam.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

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

[e] 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].



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

sd/-

02/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.12800

ORDER

IN

CRL OP(MD) No.10806 of 2019

Date :02/08/2019

MS/VR/SAR-3/02.08.2019/3P.7C