



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

Date : 13/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8391 of 2020

Samuel

... Petitioner/Accused(A-1)

Vs

The State rep.by
The Sub Inspector of Police,
Thiruthangal Police Station,
Thiruthangal.
Crime No.1026 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Ram Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1026 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 22.07.2020 for the alleged offences under Sections 273,353,328,506(ii) of IPC r/w. 6(b) and 24(1) of Cigarette and other tobacco products Acts 2003.

2. The petitioner herein is the owner of the godown, in which the respondent police found banned tobacco products worth Rs. 9,65,000/- and when the same was questioned by the respondent police the petitioner herein criminally intimidated them.

3. The learned counsel for the petitioner would submit that the petitioner is only the owner of the godown and he no knowledge about the tobacco products stored by the other accused.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a habitual offender and already 10 previous cases of similar nature are pending against him. If he is released on bail, he will indulge in similar nature of offences again.

5. Countering the same, the learned counsel for the petitioner would submit that most of the cases are of the year 2010 and he was acquitted in all the cases.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is only owner of the godown and alleging that he has no knowledge about the tobacco products stored and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Sivakasi

i) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of two week without prejudice to his rights and contentions before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner

ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

iii) the petitioner shall report before the respondent police once in a week on every Monday at 10.30 a.m until further orders.

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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]**.



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE No-II,
SIVAKASI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
THIRUTHANGAL.
- 4.THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
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MADURAI BENCH OF MADRAS HIGH COURT, MADURAI-625 023

ORDER
IN
CRL OP(MD) No.8391 of 2020
Date :13/08/2020

AAV
TK/PN/SAR.2/13.08.2020/3P/7C