



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8820 of 2020

C.Ramesh

... Petitioner/Accused Rank-A2

Vs

State Through
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.1026 of 2020.

... Respondent/Complainant

For Petitioner : Mr.E.Maarees Kumar,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

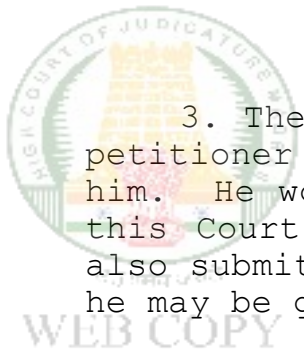
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A2 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 case of the prosecution is that when the defacto complainant/SI of Police was on raid in respect of banned tobacco products, the petitioner herein along with other accused were found in possession of banned tobacco products worth Rs. 9,65,000/- in the nearby godown 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 innocent and a false case has been foisted against him. He would also submit that A1 in this case was granted bail by this Court on 13.08.2020 in Crl.O.P(MD) No.8391 of 2020. He would also submit that the petitioner is in jail for nearly 30 days, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused were found in possession of banned tobacco products worth Rs. 9,65,000/- in the nearby godown and if he is released on bail he will indulge in similar type of offences again. Hence he opposed to grant bail to the petitioner. However he fairly conceded that A1 in this case was released on bail.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the entire products were seized and also taking into consideration the period of incarceration and also the fact that A1 in this case was released on bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 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.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv) the petitioner shall not abscond during trial.

v) 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]**.

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

sd/-
21/08/2020

/ TRUE COPY /

/ /2020
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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.8820 of 2020
Date :21/08/2020

AAV
AE/PN/SAR-III (21.08.2020) 3P 6C