



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

Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11972 of 2020

P.Pitchai ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District
(Crime No. 767 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Bindran,
Advocate.

For Respondent : Mr.R.Sreenivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 767 of 2020 on the file of the respondent police

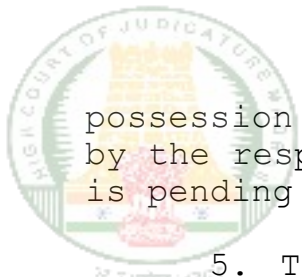
ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to Judicial Custody on 06.10.2020 for the offences punishable under Sections 273, 328 of IPC r/w. Section 24(1) of Cigarette and Other Tobacco Product Act, 2003.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case.

4.The learned Government Advocate(Crl.Side) appearing for the
<https://hcservicescourts.gov.in/hcservices> would submit that the petitioner was found in illegal



possession of banned tobacco products and the same was recovered by the respondent police. He would also submit that no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the fact that the entire tobacco products were seized by the respondent police and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions.

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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai, Karur District

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/-

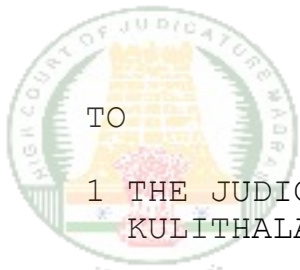
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI, KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11972 of 2020

Date :22/10/2020

aav

JM/VR/SAR III/23.10.2020/3P/6C