



WEB COPY

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

Date : 09/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12694 of 2020

Josephraj ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.584/2020). ... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy,
Advocate.
For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.584 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to Judicial Custody on 08.10.2020 for the offences punishable under Sections 328 and 269 IPC and r/w Sections 7 and 24(1) of the Cigarette and other Tobacco Productions Act, 2003 in crime No.584 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 899 bags of tobacco, which had been banned by the Government of Tamilnadu. Hence, the complaint.

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



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioner and other accused were found in illegal possession of 899 bags of tobacco, which had been banned by the Government of Tamilnadu. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] The petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai-20, within a period of two weeks, without prejudice to their defence before the trial Court.

[b] On such deposit,the petitioner shall execute 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.I, Virudhunagar.

[c] 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;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[g]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].

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

sd/-
09/11/2020

/ 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.

TO

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

COPY TO:

THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD,
ADYAR, CHENNAI-20.

ORDER
IN
CRL OP(MD) No.12694 of 2020
Date : 09/11/2020

vsg/dss
JM/PN/SAR II/09.11.2020/3P/7C