



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

Date : 16/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14820 of 2020

Rajesh

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sellur (L&O) Police Station,
Madurai, Madurai District.
Crime No.2648 of 2020

... Respondent/Complainant

For Petitioner : Mr.K.Samidurai, 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.2648 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

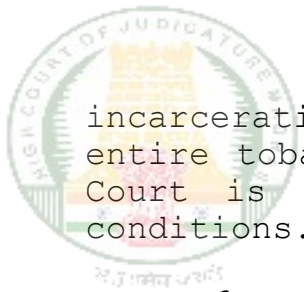
The petitioner/accused herein was arrested and remanded to
Judicial Custody on 26.11.2020 for the offences punishable under
Sections 328 of IPC r/w. Section 6(a), 7(1), 20(2), 24(1) of the
Cigarette and Other Tobacco Products Act, 2003.

2.The case of the prosecution is that the petitioner was found
in illegal possession of 663 Kgs 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
State would submit that the petitioner was found in illegal
possession of 663 Kgs of banned tobacco products and the same was
recovered by the respondent police.

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, 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 make a non refundable deposit of **Rs.75,000/- (Rupees Seventy Five Thousand only)** to the credit of Arignar Anna Cancer Institute, Kanchipuram, without prejudice to his rights and contentions before the trial Court

[b] On such deposit being made, the petitioner shall execute 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 learned Judicial Magistrate No.II, Madurai.

[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 is directed to stay at Melmaruvathur and he shall report before the Melmaruvathur police station daily twice I.e. 10.30 a.m and 05.00 p.m for a period of four weeks and thereafter, the petitioner shall report before the respondent police 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/-
16/12/2020

/ 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, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL,
SIVAGANGAI.
 4. THE INSPECTOR OF POLICE,
SELLUR (L&O) POLICE STATION,
MADURAI, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

1. THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR.
2. THE OFFICER INCHARGE,
ARIGNAR ANNA CANCER INSTITUTE,
KANCHIPURAM.

+1. C.C. to M/S.K.Samidurai, Advocate SR.No. 8310

ORDER
IN
CRL OP(MD) No.14820 of 2020
Date :16/12/2020

MS/VR/SAR-4/16.12.2020/3P.9C