



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

Date : 04/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1377 of 2021

Ashok Kumar Jain

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
South Gate Police Station,
Madurai City.
Crime No.1298 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail Crime No.1298 of 2020 on the file of the
Respondent Police.

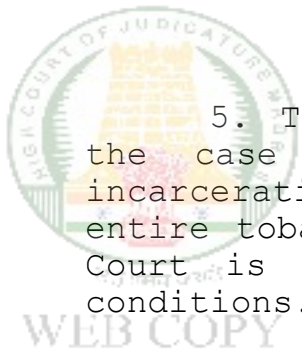
ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to Judicial Custody on 10.12.2020 for the offences punishable under Sections 328 of IPC r/w. Section 6(a),6(b), 24(1) of Cigarette and Other Tobacco Product Act.

2.The case of the prosecution is that the petitioner was found in illegal possession of 395 pockets 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. He would also submit that co-accused in this case was granted bail by this Court.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioner was found in illegal possession of 395 pockets of banned tobacco products and the same was recovered by the respondent police. He would also submit that 14 previous cases are 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 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.1,00,000/- (Rupees One Lakh only)** to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20, without prejudice to his rights and contentions 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, 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 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/-
04/02/2021

/ TRUE COPY /

/ /2021
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.IV, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI CITY.
 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.1377 of 2021

Date :04/02/2021

AAV

MS/VR/SAR-2/04.02.2021/3P.7C