



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1500 of 2021

Sabeek ... Petitioner/Sole Accused

Vs

State Rep. by
The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
In Crime No.473 of 2020 ... Respondent/Complainant

For Petitioner : Mr.Herold Singh.S.C,
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.473 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

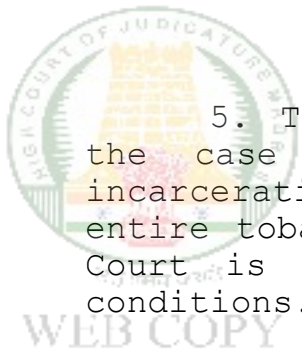
The petitioner/sole accused herein was arrested and remanded to Judicial Custody on 28.12.2020 for the offences punishable under Sections 273, 328 of IPC r/w. Section 6(a), 24(1) of Cigarette and Other Tobacco Product Act.

2.The case of the prosecution is that the petitioner was found in illegal possession of 302 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. He would also submit that the entire contraband was seized by the respondent police.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioner was found in illegal possession of 302 kgs pockets of banned tobacco products and the

<https://hservices.eports.gov.in/hservices>



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 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.I, Kuzhithurai

[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.I,
KUZHITHURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.
 - 3 THE SUB INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 - 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.1500 of 2021
Date :04/02/2021

AAV
JM/VR/SAR II/04.02.2021/3P/7C