



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

Date : 18/06/2021

PRESENT

WEB COPY

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

**CRL OP(MD)No.7985 of 2021**

Vethamuthu

... Petitioner/Accused No.1

Vs

State through  
The Inspector of Police,  
Thiruchendur Police Station,  
Tuticorin District.  
(In Crime No.196 of 2021).

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.196 of 2021 on the file of the  
respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 25.02.2021 for the offences  
punishable under Section 328 IPC and Section 6(b), 24(1) of  
Cigarette and other Tobacco Products Act, 2003 in Crime No.196 of  
2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.06.2021, when the  
Police searched TATA Ace bearing registration No.TN92C7665, they  
found the following prohibitory substances:-

- 1.Ganesh 701 Tobacco-1200 pockets
- 2.Cool lip Tobacco-400 pockets
- 3.Vimal panmasala-300 pockets
- 4.V-1 Tobacco-200 pockets

Hence, the complaint. The value of these substances is Rs.5 Lakhs.

3.The learned counsel for the petitioner submitted that the  
petitioner is innocent and he has been falsely implicated in this  
case. He further submitted that the petitioner is only owner of the  
above said vehicle and therefore, he seeks bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that investigation is pending.

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

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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruchendur and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall make a non refundable deposit of Rs.10,000/-(Rupees Ten thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adayar, Chennai-20, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Thiruchendur.

[c]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

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

[f] 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]**.

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

sd/-  
18/06/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE,  
THIRUCHENDUR.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
- 3.THE OFFICER INCHARGE,  
DISTRICT PRISON, PERURANI,  
TUTICORIN DISTRICT.
- 4.THE INSPECTOR OF POLICE,  
THIRUCHENDUR POLICE STATION,  
TUTICORIN DISTRICT.
- 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, ADAYAR, CHENNAI-20,

ORDER  
IN  
CRL OP(MD) No.7985 of 2021  
Date :18/06/2021

GNS  
AE/AKM/SAR-1/18.06.2021/3P/7C