



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

Date : 05/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8777 of 2021

Mariappan

... Petitioner/3rd Accused

Vs

State Rep. by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
Crime No.88/2021.

... Respondent/Complainant

For Petitioner : Mr.Venkatesh.D.,
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.88/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 25.06.2021 for the offences punishable under Sections 328 of IPC and Sections 6(b) and 24(1) of Cigarettes and Tobacco Products (Prohibition and Advertisement and Regulation of Traded and Commerce, Production, supply and Distribution) Act 2003 in Crime No.88 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.06.2021at about 09.00 am., when the respondent police were in regular rounds near Aanaikudi Junction they saw a four wheeler bearing Reg.No TN 72 BV 2157. They stopped the vehicle and made search, during search they found 312 gm Ganesh 701 Tobacco - 383 pockets 120gmCool lip filter Tabaq- 156 pockets, 99gmVimal Pan masala -320 pockets,1.2 gmV-1 Tobacco- 312 pockets. Therefore the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody since 25.06.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. Taking into consideration all these facts and also considering the period of incarceration and also the fact that the material witnesses are only official witnesses and also the fact that the material objects have been seized, 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, Radhapuram and on further condition that

i)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.

(ii) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Director, Arignar Anna Memorial Cancer Hospital and Research Institute, Kanchipuram without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

iii)the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

iv)the petitioner shall not tamper with evidence or witness.

v)the petitioner shall not abscond during trial.

vi)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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/07/2021

/ 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, RADHAPURAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
UVARI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB-JAIL, NANGUNERI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DIRECTOR,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL
AND RESEARCH INSTITUTE,
KANCHIPURAM.

ORDER
IN
CRL OP(MD) No.8777 of 2021
Date :05/07/2021

AAV
JM/MNR/SAR III/05.07.2021/3P/7C