



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

Date : 31/08/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12472 of 2021

Manishkumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
Crime No.340/2021

... Respondent/Complainant

For Petitioner : Mr.R.VINOTH BHARATHI,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.340 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 16.08.2021 for the offence punishable under Sections 328 IPC r/w. 6(b), 24(1) of Cigarette and other Tobacco Products Acts 2003, in Cr.No.340 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 27 kgs of banned tobacco products.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 16.08.2021. Hence, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submitted that the petitioner is not having any bad antecedent.



5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and the fact the petitioner is not having any bad antecedent, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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 Judicial Magistrate Court No.IV, Tirunelveli and on further conditions 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 appear before the respondent police daily at 10.30 a.m., until further orders.

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

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

[e] 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]**.

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

sd/-

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/ /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 COURT NO.IV
TIRUNELVELI.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4.THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12472 of 2021

Date :31/08/2021

SA/PN/SAR.1/31.08.2021/3P/6C