



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.11.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17584 of 2021

Thiruppathi

... Petitioner/Accused No. 2

Vs

State Rep by,

The Inspector of Police,

Thanjavur Tamil University Police Station,

Thanjavur District.

(Crime No. 677 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.677 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 21.10.2021 for the offences punishable under Section 328 IPC r/w Section 6(a), 6(b) and 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.677 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 750 pockets of banned tobacco worth about Rs.5,200/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an employee of A1, he is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 21.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the said contraband was recovered from A1 and this petitioner. He fairly conceded that no previous case is pending against the petitioner herein.

5.Considering the nature of charges levelled against the petitioner and also the facts that the petitioner is an employee of A1, that the petitioner is not having any previous case of similar nature and that the petitioner is in judicial custody from 21.10.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur District.

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 report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

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

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
12/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 NO.II,
THANJAVUR DISTRICT.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

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

ORDER

IN

CRL OP(MD) No.17584 of 2021

Date :12/11/2021

PKP/VR/SAR-3/12.11.2021/3P/6C