



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6630 of 2022

Babu

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No.110 of 2022.

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
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.110 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 29.03.2022 for the offences punishable under Section 328 of IPC r/w Sections 7 and 24(1) of Cigarettes and other Tobacco Products Act, 2003 in Crime No.110 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 265.260 kgs of Ganesh Tobacco Products. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor would submit that the property has been recovered and that the petitioner is having no previous case.

5.Considering the nature of charges levelled against the petitioner and also the facts that the property has been recovered and that the petitioner is in judicial custody from 29.03.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Paramakudi.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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, Paramakudi and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Judicial Magistrate at the time of furnishing sureties.

(c)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;

(d)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond 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]***; and;



(g)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/04/2022

/ TRUE COPY /

WEB COPY

12/04/2022

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,
PARAMAKUDI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, PARAMAKUDI.
- 4 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

+1 CC to Mr.S.MAHENDRAPATHY, Advocate (SR-3294[I] dated
12/04/2022)

ORDER IN
CRL OP(MD) No.6630 of 2022
Date :12/04/2022

SJI
MK/MS/SAR.IV/12.04.2022/3P/8C