



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.8940 of 2022

G. Arunkumar,
S/o Ganesan

... Petitioner/A1

Vs

The Sub Inspector of Police,
Melur Police Station, Madurai District.
Crime No. 203 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Murali.M.,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

C-33B. For Bail in Crime No.203 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

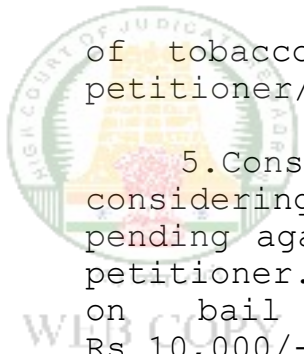
The petitioner/**A1**, who was arrested on 23.04.2022 for the offences under Sections 7(i) and 24(i) of the Cigarette and other Tobacco Products Act, 2003, and Section 328 of IPC in Crime No.203 of 2022, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that A1 to A3 were found in possession of banned tobacco products numbering about 100 bags each consisting of 15 small pockets.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would submit that the petitioner is ready to pay a sum of Rs.50,000/- (Rupees fifty thousand only) for constructing toilets to the Girls Government School.

4.The learned Additional Public Prosecutor on instructions would submit that the petitioner was found in possession of 23 bags

<https://hcservices.ecourts.gov.in/hcservices/>



of tobacco products and totally 100 bags were found and the petitioner/A1 is having no previous case.

5. Considering the facts and circumstances of the case and considering the period of incarceration and no previous case is pending against the petitioner, I am inclined to grant bail to the petitioner. 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, Melur, and on further condition that the petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) before the District Educational Officer, Sivagangai, who shall utilize the said amount for the purpose of constructing toilet in the Girls Government Schools:

(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 report 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]**; and;

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

sd/-

11/05/2022

/ TRUE COPY /

/ /2022

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

CM/SSB

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, Melur.
2. The Chief Judicial Magistrate, Madurai.
3. The Officer Incharge, Sub-Jail, Melur, Madurai District.
4. The Sub Inspector of Police,
Melur Police Station, Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The District Educational Officer, Sivagangai,

+1. CC to M/S. MURALI.M. Advocate SR.No.4607

CRL OP(MD) No.8940 of 2022
Date :11/05/2022

KB/GSV/SAR IV(10.05.2022) 3P 8C