



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

Date : 18/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI
CRL OP(MD). No.9208 of 2022

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Adams Darwin

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
Crime.No. 72 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Angusamy V,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 72 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 04.05.2022 for the offences punishable under Sections 328 of IPC and 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.72 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 103 Shachet of Ganesh 701 Tobacco, 12 shachet of CoolipFliter Tobacco, 40 Shachet of Vimal Pan Masala, 40 Shachet of V-I Tobacco Prohibited Tobacco. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. 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 Government Advocate(Crl.Side) appearing for the respondent police would submit that the investigation is almost



completed and no previous case is pending against the petitioner.

5.Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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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, Alangulam and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code:IDIB000H040), within a period of two weeks without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days 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]**.

sd/-

18/05/2022

/ TRUE COPY /

19/05/2022

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

TTA

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



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. Judicial Magistrate, Alangulam.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai.
4. The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer In-charge,
Advocate Clerk's Welfare Association,
Madras High Court Madurai Bench, Madurai-625 023

+1. CC to M/S.V.Angusamy Advocate SR.No.4787, dated 19/05/2022

ORDER

IN

CRL OP(MD) No.9208 of 2022

Date :18/05/2022

RD/SKN/SAR-II(18.05.2022) 3P 8C