



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.09.2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16270 of 2022

Subramaniyan

... Petitioner / Accused No.1

Vs

State represented through
The Sub Inspector of Police,
Pettai Police Station, Tirunelveli City,
Crime No.179 of 2022

... Respondent/Complainant

For Petitioner : Mr.V.M.Jegadeeshpandian
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.179 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to
judicial custody on 23.08.2022 for the offences punishable under
Sections 328 of IPC and Section 6(b) and 24(1) of Cigarette and
other Tobacco products Acts (COTPA), 2003, in Crime No.179 of 2022,
on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/A1 and
another accused were in illegal possession of Tobacco products
weighing 5.347 Kgs, worth about Rs.18,540/-. Hence the complaint.

3.On the side of the petitioner it is stated that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution. He has been falsely implicated in this
case and pray the petitioner to be released on bail.

4.The learned Additional Public Prosecutor stated that the
petitionerA1 is not having any previous case and he is in custody
for more than 20 days and pray the petition to be dismissed.

5.Considering the period of incarceration of the petitioner,
this Court is inclined to release the petitioner on bail on the
following conditions:



6.The petitioner is ordered to be released on } on 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 Court-V, Tirunelveli, and on further conditions that:

(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., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/09/2022

/ TRUE COPY /

14/09/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI CITY

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S. JEGADEESH PANDIAN.V.M. Advocate SR.No.9948.

ORDER IN

CRL OP(MD) No.16270 of 2022

Date :13/09/2022