



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16384 of 2022

WEB COPY

Thangavel

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Pettai Police Station,
Tirunelveli.
Crime No.181 of 2022.

... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan, 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.181 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 24.08.2022 for the alleged offence under Sections 328 IPC and 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.181 of 2022, seeks bail.

2.The case of the prosecution is that the accused persons were found in possession of banned tobacco products. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is innocent and has not committed any offence as alleged by the prosecution. The petitioner is in custody from the date of his arrest. Hence, prays to release him on bail.

4.On the side of prosecution, it is stated that the petitioner is not having any previous case and the investigation is not yet completed.

5.Considering the nature of charges levelled against the petitioner and he is not having any bad antecedents and also considering his period of incarceration, this Court is inclined to grant bail to the petitioner with the following conditions.



6. Accordingly, this petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli.

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 appear before the concerned Court on all hearing dates and appear 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

sd/-

12/09/2022

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12/09/2022

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 SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-9875[I] dated 12/09/2022)

ORDER IN

CRL OP(MD) No.16384 of 2022
Date :12/09/2022

PNM

RS/VRS/SAR.4 (12.09.2022) 2P-7C

<https://www.mhc.tn.gov.in/judis>