



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

Date : 21/09/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

CRL OP(MD) . No.16931 of 2022

Murugan

... Petitioner/Sole Accused

Vs

The State Rep. By,  
The Sub Inspector of Police,  
Vangal Police Station,  
Karur District.  
Cr. No. 333/2022.

... Respondent/Complainant

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

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

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

PRAYER :-

For Bail in Crime No.333 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 06.08.2022 for the offences punishable under Section 328 of IPC r/w Section 59 of FSSA 2006 r/w Section 7(5), 20(2) of Cigarette and other Tobacco Products Act, 2003, in Crime No.333 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 poisonous Tobacco materials, which are banned by the State Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent. He would further submit that the petitioner is in judicial custody from 06.08.2022 and the petitioner shall abide any condition imposed by this Court.



4. The learned Government Advocate (crl.side) appearing for the respondent police would submit that the petitioner is having one previous case of similar in nature and the investigation is still pending.

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5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, 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 No.II, Karur District.

(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 is directed to deposit a sum of **Rs.4,000/- (Rupees Four Thousand only) to the credit of District Siddha Medical Officer CCRIPKM (Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/09/2022

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21/09/2022

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 NO.II,  
KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.
3. THE OFFICER-INCHARGE,  
SUB JAIL, KARUR DISTRICT.
4. THE SUB INSPECTOR OF POLICE  
VANGAL POLICE STATION,  
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE DISTRICT SIDDHA MEDICAL OFFICER,  
CCRIPK, PERIYAKULAM.

+1 CC to M/s.M.KARUNANITHI, Advocate ( SR-10295[I] dated  
21/09/2022 )

ORDER  
IN  
CRL OP(MD) No.16931 of 2022  
Date :21/09/2022

CP  
USK/SBN/SAR-III/21.09.2022/3P/8C