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CRL OP(MD). N



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

Date : 29/09/2022

PRESENT

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

CRL OP(MD). No.17444 of 2022

Sivaji Ganesan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pettai Police Station,
Tirunelveli City,
Cr No.201/2022.

... Respondent/Complainant

For Petitioner : M/s.Indrachithu.T,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr No.201/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 12.09.2022 for the offences punishable under Section 328 IPC r/w. Section 6(b), 24(1) of Cigarettes and other Tobacco Products Act, 2003, in crime No.201 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in unlawful possession of 995 gms banned tobacco products worth Rs.3,320/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 12.09.2022, hence, they may be granted bail.



4.The learned Additional Public Prosecutor would submit that the property has been recovered and he is not having any previous case. He would further submit that the investigation is in preliminary stage and strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and that the property has been recovered, this Court is inclined to grant bail to the petitioner on certain 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.V, Tirunelveli, Tirunelveli District, and on further condition 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 not abscond during trial.

(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/-

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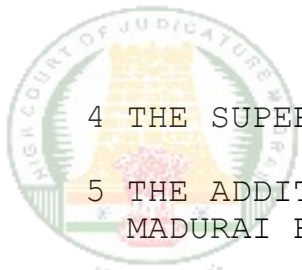
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, PETTAI POLICE STATION, TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.



4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, THIRUNE

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

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-10774[I] dated
29/09/2022)

ORDER

IN

CRL OP(MD) No.17444 of 2022

Date :29/09/2022

TRP

RS/VR/SAR.1(29.09.2022) 3P-7C