



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

Date : 14/10/2022

PRESENT

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

CRL OP(MD). No.18291 of 2022

Govindaraj

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
(Crime No.390/2022).

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar D,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

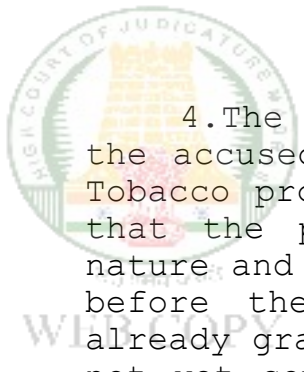
For Bail in Crime No.390/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 21.09.2022 for the offences punishable under Sections 273 and 328 of IPC and Section 6(a), 24(1) of Cigarette and other Tobacco Act, 2003, in Crime No.390 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of 251 kgs of poisonous Tobacco products, which are banned by the Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 21.09.2022 and the petitioner shall abide any conditions imposed by this Court. Hence he may be released on bail.



4.The learned Government Advocate(crl.side) would submit that the accused persons were found in illegal possession of 251 kgs of Tobacco products worth about Rs.3,50,000/-. He would further submit that the petitioner is having two previous cases of similar in nature and he is a habitual offender and Goondas proposal is pending before the concerned District Collector and the co-accused was already granted anticipatory bail by this Court and investigation is not yet completed. Hence, he strongly opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of offence and the period of incarceration and also the fact that co-accused was already granted anticipatory bail, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.390 of 2022 before the learned Judicial Magistrate, Gandharvakottai, Pudukkottai District, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, 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, Gandharvakottai, Pudukkottai 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 shall report before the respondent police on every Sunday 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].

sd/-

14/10/2022

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14/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
GANDHARVAKOTTAI, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
GANDHARVAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18291 of 2022

Date :14/10/2022

cp

USK/SBN/SAR- /14.10.2022/3P/6C