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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22839 of 2022

Subramanian

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
Crime No.259 of 2022

... Respondent/Complainant

For Petitioner : Mr.S.Sathya Chidambaram, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

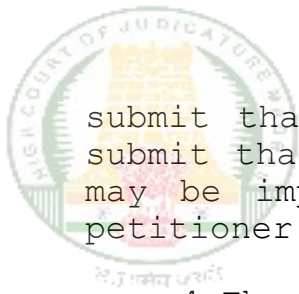
For Bail in Crime No.259/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 28.11.2022 for the offence punishable under Section 328 IPC and Sections 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.259 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 banned tobacco products worth about Rs.1,49,040/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 in this case, was granted bail by this Court in CrI.O.P.(MD)No.22270 of 2022, dated 20.12.2022 on condition that the petitioner shall deposit Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Dean, Medical College Hospital, Tirunelveli. He would further



submit that the petitioner has no previous case. He would submit that the petitioner is ready to abide by any condition that may be imposed by this Court. He would further submit that the petitioner is in jail from 28.11.2022 and hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of 69.624 kgs of banned tobacco products worth about Rs.1,49,040/-. He would further submit that from other accused, tobacco products worth about Rs.87,630/- was recovered and from this petitioner tobacco products worth about Rs.61,680/- was recovered by the respondent police. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Dean, Medical College Hospital, Tirunelveli, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

8.On production of such receipt/acknowledgement, the petitioner is ordered to be released on bail on condition to execute 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, Cheranmahadevi, Tirunelveli District, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;



(e) the petitioner shall not tamper with evidence or either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/12/2022

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/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN, MEDICAL COLLEGE HOSPITAL,
TIRUNELVELI.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-15317[I] dated
22/12/2022)

ORDER

IN

CRL OP(MD) No.22839 of 2022
Date :22/12/2022

SJI

RS/SSS/SAR.1(23.12.2022) 3P-8C