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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 23/12/2022  
PRESENT

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

CRL OP(MD). No.22953 of 2022

Murugan

... Petitioner/Accused No.2

**Vs**

The State rep.by  
The Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli District.  
Crime No.285 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Selvakrishnan S,  
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.285 of 2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 14.12.2022 for the offence punishable under Section 328 IPC and Sections 6, 24(1) of Cigarette and other Tobacco Production Act, 2003 in Crime No. 285 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and other accused were illegally found in possession of 2 Kgs of banned tobacco products worth Rs.4,416/-. 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 the petitioner is in judicial custody from 14.12.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is previous case against the petitioner. He further submitted that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.



5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the credit of any one of the welfare scheme without prejudice to his contention and seeks bail.

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6. Taking into consideration of the facts and submissions made by the learned counsels and that there is no previous case against the petitioner and that the petitioner is ready and willing to deposit a sum of Rs.5,000/- and that the petitioner is in judicial custody from 14.12.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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 No.V, Thirunelveli, and on further conditions that:

(b) petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the Dean / Medical Officer, Thirunelveli Medical College Hospital, Thirunelveli, without prejudice to his rights and contentions before the trial Court.

(c) 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;

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

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

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

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

(h) 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];



(i) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-  
23/12/2022

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23/12/2022

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

TRP

**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,  
MUNNEERPALLAM POLICE STATION,  
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**COPY TO:**

THE DEAN / MEDICAL OFFICER,  
THIRUNELVELI MEDICAL COLLEGE HOSPITAL,  
THIRUNELVELI.

**ORDER**

**IN**

CRL OP(MD) No.22953 of 2022  
Date :23/12/2022

SA/SSS/SAR. /23.12.2022/3P/7C