



Crl.O.P.No.11282 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.O.P.No.11282 of 2023

Moorthi

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Thirumuruganpoondi Police Station,
Tiruppur District.

(Crime No.352 of 2023)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.352 of 2023,
on the file of the respondent police, pursuant to the order dated 12.05.2023 in
Crl.M.P.No.894 of 2023 passed by the learned I Additional District and
Sessions Judge, Vacation Judge, Tiruppur.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.04.2023, for the offences punishable under Section 273, 284 and 328 of IPC, in Crime No.352 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 51.250 Kgs of Tobacco Products (Hans Tobacco-110 packets, Cool Lip Tobacco-50 packets, Vimal Pan Masala-100 packets, V-1 Tobacco-95 packets) worth about Rs.21,000/-. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 30.04.2023. However, on instructions he would submit that without prejudice to his rights and defence, the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the Dean, Government Hospital, Tiruppur. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the



respondent vehemently opposed to grant bail to the petitioner stating that the the petitioner was found in possession of 51.250 kgs of Tobacco Products worth about of Rs.21,000/-.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) by way of **RTGS/NEFT to the credit of "the Dean, Tiruppur Government Hospital, Tiruppur"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with **two**



sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Avinashi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 once in a week.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

arb/gd



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1. The Judicial Magistrate,
Avinashi.
2. The Inspector of Police,
Thirumuruganpoondi Police Station,
Tiruppur District.
3. The District Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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