



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.01.2023
PRESENT

WEB COPY

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

CRL.O.P (MD) No.188 of 2023

Sounthiram

... Petitioner/A1

Vs

State represented by
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
(Crime No.347 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Althaj Sheriff, Advocate
for M/s.Ajmal Associates
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.347 of 2022 on the file of the Respondent Police.

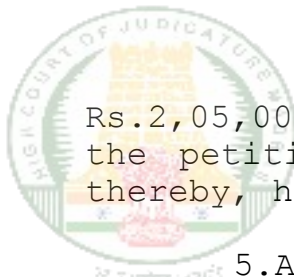
ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.12.2022 for the offence punishable under Sections 6(a) and 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.347 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, Vellathurai, Special Sub Inspector of Police, is that the petitioner along with other accused was found in illegal possession of banned tobacco products worth of Rs.2,05,000/-. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and thereby, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused was found in illegal possession of banned tobacco products worth of



Rs.2,05,000/- . He would further submit that apart from the said case, the petitioner has got six previous cases of similar nature and thereby, he would seek for dismissal of this petition.

5.At this juncture, the learned Counsel for the petitioner would submit that the petitioner is a petty shop owner and that he is in custody from 21.12.2022. He would further submit that without prejudice, the petitioner undertakes to pay a sum of Rs.1,00,000/- to any welfare scheme of the Government or Police.

6.Mr.T.Senthil Kumar, learned Additional Public Prosecutor would submit that in a case registered by the Trichy Police, they have taken swift action and gone to Delhi and had secured a trafficked child and that he would pray that the petitioner may be directed to deposit a sum of Rs.1,00,000/- to the credit of Superintendent of Police, Trichy District for using it for contingency fund.

7.Accordingly, the petitioner is directed to pay a sum of Rs.1,00,000/- to the credit of Superintendent of Police, District Police Office, Subramaniapuram, Tiruchirappalli, Account No.34351615208, IFSC : SBIN0000930, Tiruchirappalli Branch, for the purpose of contingent expenses.

8.Merely, because the petitioner had deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

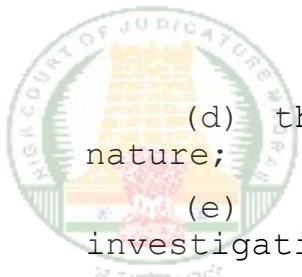
9.Heard. Perused the materials available on record including the First Information Report.

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

(a) On production of proof for payment, as stated above, 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 Court-III, Dindigul, and on further conditions that:

(b) 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;

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



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

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

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

(g) 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];

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

sd/-

23/01/2023

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23/01/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE COURT-III, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
SHANARPATTI POLICE STATION,
DINDIGUL DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, DINDIGUL.

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

COPY TO:

THE SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE, SUBRAMANIAPURAM,
TIRUCHIRAPPALLI.

+1. CC to M/S.AJMAL ASSOCIATES, SR.No.963

ORDER IN

CRL OP(MD) No.188 of 2023

Date :23/01/2023