



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/01/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.1116 of 2023

Velmurugan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi Distrcit.
(Crime No.398 of 2022).

... Respondent/Complainant

For Petitioner : M/s.MUTHUMALAI RAJA.S,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.398 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 19.12.2022 for the offence punishable under Sections 294(b), 506(ii) of IPC and Section 6,24(1) of the Cigarette and other Tobacco Products Act and Section 77 of JJ Act in Crime No.398 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.1,91,000/-. 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 19.12.2022, 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 banned tobacco products worth about Rs.1,91,000/- He would further submit that the petitioner



has got one similar previous case. Hence he opposed to grant bail to the petitioner.

5. In reply the learned counsel for the petitioner would submit that the petitioner without prejudice to his defence, is ready and willing to deposit a sum of Rs.75,000/- to any welfare scheme and he has also filed a memo to that effect.

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

7. 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:

8. Accordingly, the petitioner shall make a non refundable deposit by way of Demand Draft/RTGS/NEFT in favour of Dean, Tirunelveli Medical College and Hospital, Tirunelveli for a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the receipt/acknowledgement before the Court at the time of furnishing sureties. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

9. On production of proof 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, Tenkasi, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court/concerned Court 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 witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the Special Court/concerned 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 Special



Court/concerned Court himself as laid down by the Hon'ble 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/-

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24/01/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.

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

COPY TO:

THE DEAN,
TIRUNELVELI MEDICAL COLLEGE AND HOSPITAL,
TIRUNELVELI.

+1. CC to M/S.MUTHUMALAI RAJA.S Advocate SR.No.1051

ORDER

IN

CRL OP(MD) No.1116 of 2023

Date :24/01/2023

SA/BUC/SAR. /24.01.2023/3P/8C