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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/02/2023
PRESENT

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

CRL OP(MD) . No.1977 of 2023

1. Chandran,

2. Rajesh,

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Vicramasingapuram Police Station,
Ambasamudram Taluk,
Tirunelveli District.
Crime No.26 of 2023.

... Respondent/Complainant

For Petitioners : Mr.N.VIGNESH
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.26 of 2023 on the file of the Respondent Police.

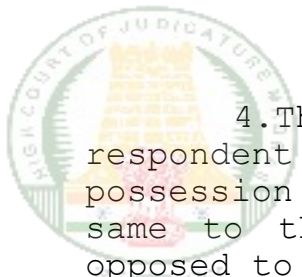
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 18.01.2023 for the offence punishable under Sections 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.26 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of banned tobacco products with an intention to sell the same to the school and college students. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 18.01.2023, hence he seeks bail.

<https://www.mhc.tn.gov.in/judis>



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in illegal possession of banned tobacco products with an intention to sell the same to the school and college students. Hence, he vehemently opposed to grant bail to the petitioners.

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5. In reply, the learned counsel for the petitioners submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to their defence they are also ready to make a donation of Rs.10,000/- each for any welfare scheme of the Government. Hence he seeks bail.

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 and also voluntarily offer made by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Ambasamudrum 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.

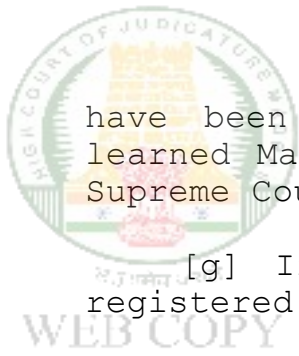
[b] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean / Medical Officer, Tirunelveli Medical College & Hospital, Tirunelveli", and produce the receipt/acknowledgement before the trial Court at the time of executing bond. However, it is made clear that the deposit being made by the petitioners, would not amount of admission of guilt by him

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail. 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/02/2023

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01/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, AMBASAMUDRAM.
- 4 THE INSPECTOR OF POLICE,
VICRAMASINGAPURAM POLICE STATION,
AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN / MEDICAL OFFICER,
TIRUNELVELI MEDICAL COLLEGE & HOSPITAL,
TIRUNELVELI.

+1. CC to N.VIGNESH, Advocate SR.No.1559

ORDER

IN

CRL OP(MD) No.1977 of 2023
Date :01/02/2023

SA/SSS/SAR. /01.02.2023/3P/8C