



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2023

PRESENT

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

CRL OP(MD). No.3345 of 2023

Sivapandian, ... Petitioner/Accused Rank Not known

Vs

State Rep.by

The Inspector of Police,

Tirunelveli Junction Police Station,

Tirunelveli District.

Crime No.3 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Mohamed Hashim.A, 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.03 of 2023 on the file of the Respondent Police.

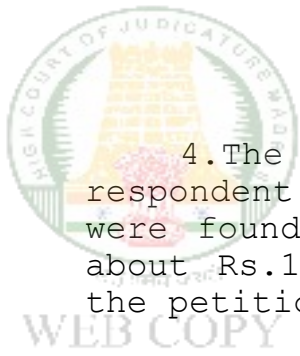
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 10.01.2023 for the offence punishable under Section 328 of IPC r/w. Sections 6(a), 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.3 of 2023 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.1,63,870/-. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused have already been arrested and released on bail by this Court in CrI.O.P. (MD)No.2715 of 2023, dated 10.02.2023. The petitioner is in judicial custody from 10.01.2023, hence he seeks bail.

<https://www.mhc.in/Filings>



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.1,63,870/- Hence, he vehemently opposed to grant bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to his defence, he is also ready to make a donation of Rs.25,000/- 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 petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on their executing 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 learned Judicial Magistrate No.IV, Tirunelveli and on further conditions that :-

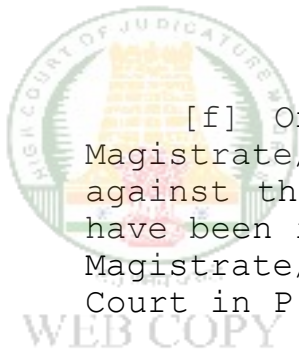
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the Head Master, The Government Girls Higher Secondary School, Melur, Madurai District 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 petitioner, would not amount of admission of guilt by him.

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

[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 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].

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

sd/-
21/02/2023

/ TRUE COPY /

21/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEAD MASTER,
THE GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
MELUR, MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.3345 of 2023
Date :21/02/2023

PKP/BUC/SAR- /21.02.2023/3P/7C