



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15800 of 2023

S.Govindaraj

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.371 of 2023)

... Respondent/Complainant

For Petitioner : Mr.N.Marimuthu, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.371 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial

custody on 22.08.2023 for the offences punishable under Sections 328 IPC r/w Section



6(b), 24(1) of the Cigarette and Other Tobacco Products Acts 2003 in Crime No.371 of 2023 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the respondent police got information regarding the banned tobacco products within their jurisdiction. Therefore, the respondent police went search at Thiru.Vee.Kaa School nearby west Athukadai Judction at about 8 am, on 22.08.2023. On seeing the police party, the petitioner try to escape from the occurrence place. However, the respondent police captured and seized gunny bag from the accused persons. The respondent police have recovered the banned tobacco products from the accused persons. Hence the case came to be registered.

3.The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the respondent police and a false case has been foisted against the petitioner. He would further submit that the petitioner was arrested and remanded to judicial custody on 22.08.2023 and he is still in judicial custody, hence he may be granted bail.

4.The learned Additional Public Prosecutor would contend that the petitioner had a possession of banned tobacco and the offences are grave in nature and



investigation is at initial stage and strongly opposed to grant bail to the petitioner.

WEB COPY

However, he admitted that the petitioner is having two previous cases and the same were closed.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the fact that previous cases pending against the petitioner were closed and also considering the period of incarceration and all other aspects, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, 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 No.II, Srivilliputhur and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days 10.30 am., 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.



WEB COPY

[f] 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].

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

sd/-
31/08/2023

/ TRUE COPY /

31/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.



5

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

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

ORDER
IN
CRL OP(MD) No.15800 of 2023
Date :31/08/2023

SS/DD/31/08/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023