



CRL OP(MD).No.7840 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD).No.7840 of 2024

Rajapandian

... Petitioner/ A1

versus

The State Rep. by its
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai District.
(Crime No.518 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.Yasar Arafath
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.518 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on



CRL OP(MD).No.7840 of 2024

07.05.2024 for the offences under Sections 272, 273, 328 IPC and Section 24(1) of Cigarettes and other Tobacco Products Act 2003 (COTPA 2003) (Prohibition of advertisement and regulation of trade and commerce, production, supply and distribution), in Crime No.518 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.05.2024, at 10.00 a.m., when the Police officials were on patrol nearby the place of occurrence, they found that the petitioner was in possession of 195 kgs. of banned tobacco products. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 07.05.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner is having two previous cases of similar in nature and the investigation is yet to be completed. Therefore, he opposes for grant of bail to the petitioner.



CRL OP(MD).No.7840 of 2024

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5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his 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.II, Madurai, 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 appear before the respondent Police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation by the respondent Police.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CRL OP(MD).No.7840 of 2024

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[e] 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 is 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].

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

sd/-
29/05/2024

/ TRUE COPY /

29/05/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.



CRL OP(MD).No.7840 of 2024

3 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-5931[I] dated 29/05/2024)

ORDER
IN
CRL OP(MD) No.7840 of 2024
Date :29/05/2024

SS/SAR- /29/05/2024/5P/7C

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