



CRL OP(MD)No.8023 of 2024

WEB COPY 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.8023 of 2024

Kaboor

... Petitioner/ Sole Accused

Vs

The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
(Crime No.335 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.M.Gunasekaran
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.335/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 06.05.2024 for the offences under sections 273 and 328 IPC read with Sections 6(a) and 24(1) of Cigarettes and Other Tobacco Products Act, 2003 in Crime No.335 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that one Santhoshkumar, who was holding the post of Head Police Constable attached to respondent police has received some secret information on 06.05.2024 and on the basis of such information, the said Head Police Constable along with his other police personnel went and searched the house of the petitioner and during the said search, they seized tobacco products which are prohibited and banned by the Government. Hence the case.

3. Learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution and seeks bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submits that two previous cases in similar nature are pending against the petitioner and objects for grant of bail.



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5. Heard the learned counsel for the petitioner and also the learned Government Advocate (Crl. Side).

6. 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, subject to the following conditions:

7. Accordingly, 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, Oddanchathiram, Dindigul District 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 report before the respondent police daily at 11.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

[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



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

abr

TO

1.The Judicial Magistrate, Oddanchathiram,
Dindigul District.

2 do through the Chief Judicial Magistrate, Dindigul District.

3.The Officer in charge, Sub Jail, Palani.

4.The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.



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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M.GUNASEKARAN Advocate SR.No.5929

ORDER
IN
CRL OP(MD) No.8023 of 2024
Date :29/05/2024

PR(29.05.2024) 5P/ 7C

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