



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

Monday, the Nineteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20612 of 2018

NAGARAJ

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL.
CRIME NO. 572/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KARUNA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 02.11.2018 for the offences punishable under Sections 328 of IPC @ 328 of IPC and 20 (2) COTPA 2003, in Crime No.572 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 30.09.2018, the petitioner sold a poisonous tobacco packet to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. side) would submit that the on the confession of A1, this petitioner has been implicated as accused. The defacto complainant purchased the tobacco substance from the A1.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and the fact A1 in this case has been released on bail in CrI.O.P.(MD).18188 of 2018, dated 11.10.2018, this Court is inclined to grant bail to the petitioners.

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6. 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 the learned Judicial Magistrate No.III, Dindigul and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[d] 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 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].

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

sd/-

19/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION, DINDIGUL.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

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



+1. CC to M/S.V.KARUNA Advocate SR.No. 21707

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ORDER

IN

CRL OP (MD) No.20612 of 2018

Date :19/11/2018

JM/VR MMS/SAR 3/19.11.2018/3P/7C