



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13905 of 2021

I.Nagoorkani

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Cumbum South Police Station,
Cumbum 625516,
Theni District.
Crime No.483/2021.

... Respondent/Complainant

For Petitioner : Mr.M.KARUPPASAMY PANDIAN,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No.483 of 2021 on the file of the Respondent police.

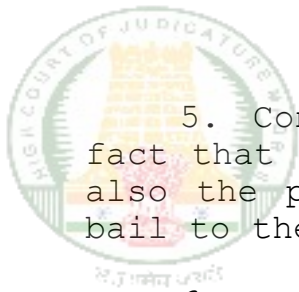
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 23.08.2021 for the offence punishable under Sections 420, 482, 483 and 486 of I.P.C, in Crime No.483 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police has seized 10-Syed Beedi, 10-Asal Malabar Beedi, 75-5 Poomark Beedi, 290-No.10 AS Photo Beedi, 42-Mangalore Ganesh Beedi from the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. But, he has been falsely implicated in this case and he is inside the prison from 23.08.2021. Therefore, the learned counsel prays for grant of bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the final report is yet to be filed. He would further submit that the petitioner is not having any bad antecedent.



5. Considering the facts and circumstances of the case, the fact that the petitioner has not involved in any other offences and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

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.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District, and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioner shall not abscond 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 petitioners 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]**.

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

sd/-

23/09/2021

/ TRUE COPY /

/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE OFFICER INCHARGE,
THENI DISTRICT PRISON, THEKKAMPATTI POST,
THENI DISTRICT.

4. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
CUMBUM 625516,
THENI DISTRICT.

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

+1. CC to Mr.M.KARUPPASAMY PANDIAN, Advocate SR.No.6542

ORDER

IN

CRL OP(MD) No.13905 of 2021

Date :23/09/2021

SA/VR/SAR.1/23.09.2021/3P/7C