



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14528 of 2021

Marimuthukani

...Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
In Crime No.335 of 2021.

....Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.335 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 15.09.2021 for the offence under Section 328 I.P.C r/w Section 21(1) of COTPA, in Crime No.336 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of 60 bundles of banned tobacco. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner's wife namely Tamaraiselvi filed an undertaking affidavit before this Court, in which, she has given an assurance that the petitioner will not involve in any other offences in future. The petitioner is in jail from 15.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor submits that the investigation in this case is yet to be completed. He further submits that the petitioner has involved in yet another case.



5. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the undertaking affidavit filed by his wife and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent condition.

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6. Accordingly, 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, Sankarankovil, 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 file an undertaking affidavit in Tamil before the respondent police that he will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m until further orders.

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

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

[f] 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]**.

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

sd/-
29/09/2021

/ 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 COURT,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
K.V.NALLUR POLICE STATION, TENKASI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

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

ORDER

IN

CRL OP(MD) No.14528 of 2021

Date :29/09/2021

MSA

MK/VR/SAR.I/29.09.2021/3P/6C