



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14805 of 2021

Sudalaimani

.... Petitioner/Accused NO.1

Vs

The State rep.by
The Inspector of Police,
Kurumbur Police Station
Thoothukudi
Crime No.134 of 2021

... Respondent/Complainant

For Petitioner : Mr.A.BALAKRISHNAN
Advocate.

For Respondent : Mr.T.SENTHI LKUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.134 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

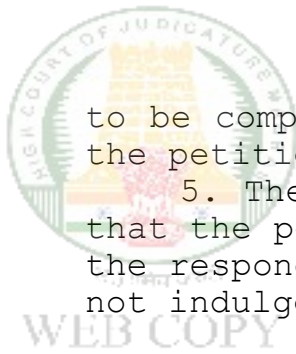
The petitioner/A1, who was arrested on 17.09.021 for the offence under Section 328 I.P.C and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime.No.134 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 20 bags 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 further submits that the petitioner is in jail from 17.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that that the investigation is yet

<https://hcservices.ecourts.gov.in/hcservices/>



to be completed. He would further submit that apart from this case, the petitioner is having one previous case to his credit.

5. The learned counsel for the petitioner, in response, submits that the petitioner is ready to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offence in future.

6. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the submission that the petitioner is ready to file an undertaking affidavit and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed 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, Srivaikundam 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 before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.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/-

01/10/2021

/ 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
SRIVAICKUNDAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE OFFICER INCHARGE
DISTRICT JAIL PERURANI.

4. THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION
THOOTHUKUDI

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

+1. CC to MR.K.P.NARAYANAKUAMAR, Advocate SR.No.6828

ORDER

IN

CRL OP(MD) No.14805 of 2021

Date : 01/10/2021

SA/SKN/SAR.3/01.10.2021/3P/7C