



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15807 of 2021

Somasekar

...Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Fort Police Station,
Tiruchirapalli City,
Tiruchirapalli District.
(Crime No.1035 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.ILAYARAJA, Advocate
For Respondent : Mr.E.ANTONY SAHAYA PRABHAHAR
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1035 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd accused, who was arrested on 28.09.2021 for the alleged offence under Sections 273 and 328 IPC, Sections 6(a) and 24(1) of Cigarette and other Tobacco Products Act, 2003, Sections 57 and 59 of Food Safety and Standards Act, 2006 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Cr.No.1035 of 2021, seeks bail.

2.The case of the prosecution is that on 28.09.2021, the petitioner and others have illegally transported Gutka and other banned substances from Karnataka. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is aged about 22 years and he is only the cleaner of the vehicle and is in jail from 28.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioner.



5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the age of the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 No.1, Tiruchirapalli, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 for a period of 30 days and thereafter, as and when required for interrogation.

[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 Judge/Trial Court is entitled to take appropriate action against the petitioner 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/-

12/10/2021

/ 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 NO.I
TIRUCHIRAPPALLI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI.

4 THE INSPECTOR OF POLICE,
FORT POLICE STATION,
TIRUCHIRAPALLI CITY,
TIRUCHIRAPALLI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15807 of 2021

Date :12/10/2021

SA/VR/SAR.2/12.10.2021/3P/6C