



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20115 of 2021

Mohammed Sali

... Petitioner/Sole Accused

Vs

The State rep. By,
The Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.764/2021)

... Respondent/Complainant

For Petitioner : Mr.M.Mohamed Riyaz,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.764/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 26.11.2021 for the alleged offence under Sections 272, 273, 328 IPC and Section 59 of Food Safety and Standards Act, 2006, in Crime No.764 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receipt of secret information when the police party went to the place of occurrence, they found 130 Kgs. And 800 gms. of banned Ganesh tobacco and Vimal Pan masala. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner underwent Angiogram in the month of August 2021 and ever since he is taking treatment for his ailment.

4.The learned Additional Public Prosecutor submitted that the petitioner is having one previous case against him.



5. The petitioner has produced the copy of the medical report to the effect that he underwent Angiogram in the month of August 2021. The contraband was also recovered. Investigation is also almost over. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on condition that the petitioner is directed to file an undertaking affidavit before the trial Court to the effect that he will not involve in any such activity, in future.

6. Accordingly, this Criminal Original Petition is allowed and on receipt of undertaking affidavit the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanniyakumari District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
16/12/2021

/ 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
PADMANABHAPURAM
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 4 THE SUB INSPECTOR OF POLICE
THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MOHAMED RIYAZ, Advocate (SR-9373[I] dated 16/12/2021)

ORDER
IN
CRL OP(MD) No.20115 of 2021
Date :16/12/2021