



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand and Twenty Two

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) No.3470 of 2022

P.SENTHILKUMAR

... PETITIONERS/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TRICHY DISTRICT
(CRIME NO.45 OF 2022)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JAMEEL ARASU.B. Advocate
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER : FOR BAIL IN CRIME NO. 45 OF 2022 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 10.02.2022 for the offences punishable under Sections 329 of IPC r/w Sections 6 and 24(1) Cigarette and other Tobacco Products Act, 2003 in Crime No.45 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 150 packets of Hans, 120 packets of Vimal Pan Masala and 120 packets of V1 Tobacco. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and that the petitioner is having two previous cases.



5.Considering the nature of charges levelled against the petitioner and also the facts that the property has been recovered and that the petitioner is in judicial custody from 10.02.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

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6.Accordingly, the petitioner shall pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred Only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Thuraiyur, Trichy District.

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate Court, Thuraiyur, Trichy District on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report 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 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/02/2022

/ TRUE COPY /

18/02/2022

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.

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TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
- 5 THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3470 of 2022
Date :18/02/2022

RS/VR/SAR.2(18.02.2022) 3P-7C