



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8960 of 2022

Antony Raj

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District
Crime No. 229 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Radhakrishnan.G.,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 229 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested on 27.04.2022 for the offences under Sections 328 of IPC and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 24(1) of Cigarette and other Tobacco Products Act ,2003,in Cr.No.229 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of banned poisonous tobacco products worth about Rs.30,000/-, hence the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner is ready to deposit any amount to the Government school for the welfare of the students without prejudice to his contentions.



4.The learned Additional Public Prosecutor would submit that the property has been recovered and no previous case is pending against the petitioner.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner with a condition that the petitioner shall take D.D for a sum of Rs.50,000/- (Rupees Fifty thousand only) and hand over the same to the Head Master, Government Girls Higher Secondary School, Kovilpatti, (Court complex), Thoothukudi District for construction of toilets and bathroom in the said school.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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, Kovilpatti and on further condition that:

(a) the petitioner is directed to take D.D for a sum of Rs.50,000/- (Rupees Fifty thousand only) and hand over the same to the Head Master, Government Girls Higher Secondary School, Kovilpatti, (Court complex), Thoothukudi District for construction of toilets and bathroom in the said school and thereafter sureties shall be accepted

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d)the petitioner shall not tamper with 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 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;

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

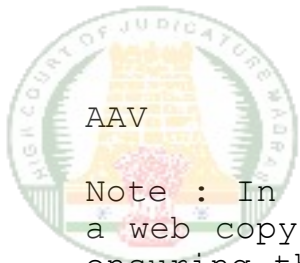
sd/-

11/05/2022

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11/05/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

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,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI, THOOTHUKUDI.
- 4 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEAD MASTER,
GOVERNMENT GIRLS HIGH SECONDARY SCHOOL,
KOVILPATTI (COURT COMPLEX), THOOTHUKUDI.

+1. CC to M/S. RADHAKRISHNAN.G. Advocate SR.No.4577

ORDER
IN
CRL OP(MD) No.8960 of 2022
Date :11/05/2022

SS/PN/SAR:IV/11.05.2022 : 3P/8C