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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.07.2022
PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.13241 of 2022

G.Kaliraj

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.230 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.CHANDRAMOHAN,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl. Side).

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

PRAYER :- For Bail in Crime No.230 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Sections 272, 273, 294(b), 328 and 353 IPC and Sections 6(a) and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.230 of 2022, 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 two bundles of 18.500 kgs and 41.500 kgs of banned 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. He would further submit that the third accused was already arrested and released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the property has been recovered.

5. Considering the nature of charges levelled against the petitioner and also the facts that the third accused was already



released on bail, that the property has been recovered and the petitioner is not having any previous cases for similar offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Andipatti.

7. On production of such receipt/acknowledgment, 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, Andipatti.

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

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]**.

(vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/07/2022

/ TRUE COPY /

22/07/2022

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.



TO

1 THE JUDICIAL MAGISTRATE
ANDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
THEKAMPATTI,
THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S. CHANDRAMOHAN.B Advocate SR.No.7523

ORDER

IN

CRL OP(MD) No.13241 of 2022

Date :22/07/2022

SA/VR/SAR.3/22.07.2022/3P/8C