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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.13280 of 2022

Vadivel

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No.176 of 2022.

... Respondent/Complainant

For Petitioner : Mr.S.T.Sasidharan Tamilkani, Advocate.

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

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

PRAYER :-For Bail in Crime No.176 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

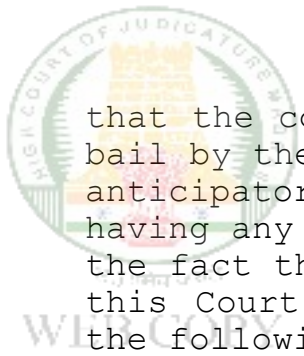
The petitioner/Accused, who was arrested and remanded to judicial custody on 06.07.2022 for the offences punishable under Section 328 IPC; Section 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.176 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on inspection, the accused persons were found in possession of 71 bags of banned Tobacco products. 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.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is having four previous cases, but he is not having any previous case for similar offence.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the property has been recovered;



that the co-accused/A1 and A2 were already arrested and released on bail by the Principal Sessions Judge, Tirunelveli and A3 was granted anticipatory bail by this Court and that the petitioner is not having any previous case for similar offence and also taking note of the fact that the petitioner is in judicial custody from 06.07.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall pay 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 No.V, Tirunelveli, Tirunelveli District.

6. 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 No.V, Tirunelveli, Tirunelveli District.

(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 / petitioner 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, 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
MUNERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.
 - 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 IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-7532[I] dated 22/07/2022)

ORDER

IN

CRL OP(MD) No.13280 of 2022

Date :22/07/2022

das

MK/PN/SAR.III/22.07.2022/3P/8C