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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.15369 of 2022

Sivasakthi

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.115 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Ramesh Kumar,
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.115 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 13.08.2022 for the offences punishable under Sections 272, 273 and 328 IPC and Sections 7(5) and 20(2) of Cigarette and other Tobacco Products Act, 2003, in Crime No.115 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 tobacco products, which are banned by the State Government and sold the same. 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) would submit that property has been recovered and that the petitioner is not having any previous cases.



5. Considering the nature of the charges levelled against the petitioner and also the facts that property has been recovered, that the petitioner is in judicial custody from 13.08.2022 and that the petitioner is not having any previous cases, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/- (Rupees 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 Court, Karaikudi, Sivagangai.

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 Court, Karaikudi, Sivagangai.

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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., for a period of thirty (30) days and thereafter as and when required for interrogation.

[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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/08/2022

/ TRUE COPY /

26/08/2022

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,
KARAIKUDI, SIVAGANGAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
- 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.

ORDER
IN
CRL OP(MD) No.15369 of 2022
Date :26/08/2022

CSM
MK/VR/SAR.III/26.08.2022/2P/7C