



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD). No.15959 of 2022

WEB COPY

Paul Rojars

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
Crime No.57 of 2022

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.57 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 18.08.2022 for the offences punishable under Sections 328 IPC and 7(2) and 7(4) of COTP Act, 2003 in Crime No.57 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 2kgs of Cool Lip, 38kgs of Ganesh Tobacco and 5kgs of Vimal Tobacco. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle. A2 borrowed the vehicle and misused the same for transporting Tobacco and the petitioner has nothing to do with the transport of Tobacco. The petitioner is in custody from 18.08.2022 and prayed the petitioner to be released on bail.

4.On the side of the prosecution, it is stated that the petitioner is the owner of the vehicle as well as the owner of the shop. A2 is absconding and 45kgs of Tobacco was seized from the petitioner and prayed the petition to be dismissed.



5.Considering the submissions made by both sides on considering the nature of the offence, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.57 of 2022 before the Principal District Munsif cum Judicial Magistrate Court, Thiruppathur, Sivagangai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.On such deposit being made, the petitioner is ordered to be released on bail, on executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District Munsif cum Judicial Magistrate Court, Thiruppathur, Sivagangai District and on further conditions that:

(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., until further orders;

(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/-

05/09/2022

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05/09/2022

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

TO

1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, NACHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.



4 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI DISTRICT.

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

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ORDER

IN

CRL OP (MD) No.15959 of 2022

Date :05/09/2022

sj i

RS/VR/SAR.3 (05.09.2022) 3P-6C