



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

Date : 13.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16429 of 2022

O.Nandhini

... Petitioner/Accused No.1

Vs

State represented through
The Sub Inspector of Police,
Gudalur South Police Station,
Uthamapalayam, Theni District,
Crime No.159 of 2022.

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian
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.159 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 27.08.2022 for the offences punishable under Sections 272, 273, 328 of IPC and Section 7 read with 9(ii) TNPSS Act, 2003 in Crime No.159 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/A1 and another accused were in illegal possession of Tobacco products weighing 5Kgs. Hence the complaint.

3.On the side of the petitioner it is stated that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. She has been falsely implicated in this case and pray the petitioner to be released on bail.

4.The learned Additional Public Prosecutor stated that the petitioner is not having any previous case and she is in custody for more than 15 days and pray the petition to be dismissed.



5.Considering the period of incarceration of the petitioner, this Court is inclined to release the petitioner on bail on the following conditions:

6.The petitioner is ordered to be released on bail, on 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, Uthamapalayam, 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

13/09/2022

/ TRUE COPY /

13/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH : THE CHEIF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
GUDALUR SOUTH POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.
4. THE OFFICER-INCHARGE,
SUB-JAIL, NILAKKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.16429 of 2022

Date :13/09/2022