



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16794 of 2022

WEB COPY

Muthukumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.332/2022).

... Respondent/Complainant

For Petitioner : M/s.A.Mohan, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.332/2022 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 25.08.2022 for the offences punishable under Sections 272, 273, 328 IPC and Section 24(1) of the Cigarette and other Tobacco products Act, 2003 and Section 77 of Juvenile Justice Act, 2015, in crime No.332 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police conducted routine check up, the petitioner said to have found in possession of 26 pockets of Ganesh Tobacco, 20 pockets of Pattanam podi. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 25.08.2022, hence he may be granted bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the the investigation of the case is pending.



5.Considering the submissions made by the learned counsel on either side and also considering the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 No.I, Sivagangai.

(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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/09/2022

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19/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI.
- 4 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MOHAN A, Advocate (SR-10158[I] dated 19/09/2022)

ORDER IN

CRL OP(MD) No.16794 of 2022
Date :19/09/2022

TRP

RS/SBN/SAR.1 (19.09.2022) 2P-7C

<https://www.mhc.tn.gov.in/judis>