



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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17947 of 2022

Manojkumar,

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub Inspector of Police,
Palanichettipatti Police Station,
Theni District.
(Cr No.329/2022).

... Respondent/Complainant

For Petitioner : MR.K.Vigneshkumar, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr No.329/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 08.09.2022 for the offences punishable under Sections 272, 273, 328 of I.P.C and Sections 6 (b) r/w 24(1) of Cigarette & other Tobacco Products Act, in Crime No.329 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 7 sack bags of Ganesh Tobacco, 2 sack bags of Cool Lip and 4 sack bags of Vimal Pakku tobacco products worth about Rs.1,26,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court. He further submit that the petitioner is in custody for 26 days.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no previous case is pending against the petitioner.

<https://www.mca.gov.in/judis>



5. Considering the above and also the nature of the charges levelled against the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

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6. Accordingly, 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, Theni, and on further condition that:

[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 pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **Idhayangal Charitable Trust, Account No.6517087788, IFSC Code: IDIB000K169, Indian Bank, KMCH Goldwins Branch, Avinashi Road, Coimbatore-641 014, Phone No.00918526421150 or 00919042858882 email snehasswaminathan@gmail.com** within a period of two weeks without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

sd/-

06/10/2022

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06/10/2022

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



DSS/MGA

CRL OP(MD). N



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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
THENI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI..
- 4 THE SUB INSPECTOR OF POLICE
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE OFFICER INCHARGE,
IDHAYANGAL CHARITABLE TRUST,
COIMBATORE.

+1 CC to M/s.S.SEKAR, Advocate (SR-10980[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17947 of 2022
Date :06/10/2022

PKP/VR/SAR-4/06.10.2022/3P/8C