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CRL OP(MD). N



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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.17877 of 2022

Annapandi

... Petitioner/Accused No.4

Vs

The State represented by
The Sub-Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.351 of 2022).

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.351 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 294 (b), 353, 328, 506 (2) of I.P.C r/w Section 24(1) of Cigarette & other Tobacco Products Act, 2003, in Crime No.351 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Government banned tobacco products were seized from the petitioner. 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 and he would further submit that co-accused have been released on bail. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that

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



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no previous case is pending as against the petitioner and he further submit that the petitioner is in custody for 20 days.

5.Considering the above and also the nature of the charges levelled against the petitioner and also considering the fact that co-accused have been released on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Valliyoor, Tirunelveli District, 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of Karthika Public Educational and Charitable Trust, SB Account No.497663303, Indian Bank, Mayiladurai, Branch Code-00165, IFSC Code: IDIB000M023, 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

/ TRUE COPY /

06/10/2022

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



gbg/pnn

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,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST,
MAYILADURAI.

+1. CC to M/S.ANAND R Advocate SR.No.10955

ORDER

IN

CRL OP(MD) No.17877 of 2022

Date :06/10/2022

SA/VR/SAR IV/24.09.2022/ 3P/ 8C