



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

Date : 07/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17971 of 2022

Karthick @ Karthiresan

... Petitioner/Accused

Vs

The State Rep. By,
The Sub Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Cr.No.234/2022.

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S,
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 Crime No. 234/2022 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 23.09.2022 for the offences punishable under Sections 34(1) of Cigarette and other Tobacco Products Act and Section 328 of IPC and Section 77 of JJ Act, in Crime No.234 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 banned tobacco Products. Hence the case came to be registered.

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 is ready to abide any condition imposed by this Court. Hence, he prays for bail.



4.The learned Government Advocate (Crl. side) appearing for the respondent police strongly opposed this petition stating that the petitioner was found in possession of banned tobacco products.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is in judicial custody from 23.09.2022, this Court is inclined to grant bail to the petitioner subject to the following 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri, Tirunelveli District.

(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 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Karthika Public Educational and Charitable Trust, (Indian Bank, A/c No.497663303, Branch Code: 00165, IFSC Code: IDBI000M023, Mayiladuthurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

(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].

sd/-
07/10/2022

/ TRUE COPY /

07/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE SUB INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
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,
MAYILADUTHURAI.

ORDER
IN
CRL OP(MD) No.17971 of 2022
Date :07/10/2022

AAV
USK/SBN/SAR-I/07.10.2022/3P/7C