



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

Date : 14/10/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.18190 of 2022

1. Mohamed Rilwan @ Mohammed Rilvan
2. Gogulakannan

... Petitioners/Accused No.2&3

Vs

The State Rep. By,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(In Crime No.259/2022).

... Respondent/Complainant

For Petitioners : M/s.Vikram S,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For bail in Cr No.259/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused herein, who were arrested on 19.09.2022 for the alleged offence under Sections 272, 273, 328 IPC, 24(1) of COTPA Act, 2003 and 8(c) r/w 20(b)(ii)(A), 25 of NDPS Act, in Crime No.259 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 19.09.2022 at about 06.30am, the accused persons were found in illegal possession of 8 packets of banned tobacco products and 1 packet of ganja. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners are innocent and they have been falsely implicated in this case. The petitioners are noway connected with the offence. The petitioners are in custody from the date of arrest, ie., 19.09.2022. Hence, prays to release them on bail.



4. On the side of prosecution, it is stated that the petitioners are not having any previous case at their credit. They have possessed 40 grams of ganja and banned tobacco produces and hence, prayed to dismiss the petition.

5. Considering the nature of the offence, small quantity of contraband and also considering the period of incarceration, this Court is inclined to enlarge the petitioners on bail.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their 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 Judicial Magistrate, Ilayankudi, Sivagangai 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 petitioners shall report before the respondent police daily at 10:30 a.m until further orders;

iii) the petitioners shall not tamper with evidence or witness;

iv) the petitioners shall appear before the concerned Court on all hearing dates and appear 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
14/10/2022

/ TRUE COPY /

14/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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

+1 CC to M/s.S.VIKRAM, Advocate (SR-11386[I] dated 14/10/2022)

ORDER
IN
CRL OP(MD) No.18190 of 2022
Date :14/10/2022

pnm
USK/VR/SAR- /14.10.2022/3P/7C