



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/10/2022
PRESENT

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

CRL OP(MD). No.18438 of 2022

Sankarraaj

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Karaikudi Police Station,
Sivagangai District.
(Crime No. 166 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Mohan A,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.166 of 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 06.10.2022 for the offences punishable under Sections 273 and 328 IPC and Section 24(1) of the Cigarette and other Tobacco Products Act in Crime No.166 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported 3 packets of Ganesh Tobacco and 46 packets of Cool lip. 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 shall abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has transported 3 packets of Ganesh Tobacco and 46 packets of Cool lip illegally. The petitioner is having no previous case. But, however, considering

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



the gravity of offence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of the offence and also the facts that there is no previous case pending against the petitioner and he is in judicial custody from 06.10.2022, 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.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood related surety and another one from Madurai District, each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi.

(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.1,000/- (Rupees Thousand only) to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai),** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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/-

17/10/2022

/ TRUE COPY /

17/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE
THIRUPATTUR, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
KARAIKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEAD MISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST, MADURAI.

+1. CC to M/S.MOHAN A Advocate SR.No.11515

ORDER

IN

CRL OP(MD) No.18438 of 2022

Date :17/10/2022

SJI

SA/SBN/SAR.2/17.10.2022/3P/8C