



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

Date : 19/10/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.18738 of 2022

Joseph

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Moolakaraipatti Police Station,
Tirunelveli District.
in Crime No.136/2022.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
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.136/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Sections 353, 328 and 506(ii) IPC r/w 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.136 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 184kgs of banned tobacco products illegally and abused the de-facto complainant in filthy language and also prevented the Government Officials from discharging their official duty. 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 strongly opposed this petition stating that the petitioner is having one previous case and the investigation is pending. The property was recovered.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the property was recovered, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri.

(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.25,000/- (Rupees Twenty Five Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, 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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/10/2022

/ TRUE COPY /

19/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-11650[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18738 of 2022

Date :19/10/2022

sj i

USK/SBN/SAR- /19.10.2022/3P/8C