



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18713 of 2022

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Manikandan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District
(Crime No.406 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Bethanasamy 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.406 of 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 06.10.2022 for the offences punishable under Sections 273 and 328 IPC and Sections 7(2) and 20(2) of Cigarette and Other Tobacco Products Act 2003 and 4(1)(a) of Tamil Nadu Prohibition Act, in Crime No.406 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was in possession of 26 packets of banned Ganesh Tobacco Products, 8 bottles of prime Polo Rum and one liquor bottle (each 180ml) illegally. 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. He would further submit that the petitioner is in judicial custody from 06.10.2022 and hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was in possession of 26 packets of banned Ganesh Tobacco Products, 8 bottles of prime Polo Rum and one liquor bottle (each 180ml) illegally and the contraband was recovered. The petitioner is having no previous case. But, however, considering the gravity of offence, he strongly opposed to grant bail.



5. Considering the facts and circumstances of the case, so considering the nature of the offence and also the fact that the petitioner is in judicial custody from 06.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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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, Periyakulam.

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

(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/-

19/10/2022

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19/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.
- 4 THE INSPECTOR OF POLICE, THENKARAI POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.BETHANASAMY, Advocate (SR-11651[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18713 of 2022

Date :19/10/2022

SJI

RS/SBN/SAR.(19.10.2022) 2P-7C

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