



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

Date : 27/10/2022

PRESENT

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

CRL OP(MD) . No.19061 of 2022

P.Indirani

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.695/2022).

... Respondent/Complainant

For Petitioner : M/s.Suresh K,
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.695/2022 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 14.10.2022 for the offences punishable under Sections 272, 273, 328 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.695 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 6 Kgs of Tobacco products illegally worth about Rs.10,000/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.10.2022 and hence, he may be granted bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the property has been recovered from the petitioner and he is not having any previous case. He would further submit that the investigation in this case is not yet completed and hence, he strongly opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is not having any previous case and tat the contraband has been seized, 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 No.I, Karur.

(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 pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, (**Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, 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/-

27/10/2022

/ TRUE COPY /

27/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,
KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE OFFICER-INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
4. THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI, MADURAI EAST.

+1 CC to M/s.K.SURESH, Advocate (SR-12004[I] dated 27/10/2022)

ORDER

IN

CRL OP(MD) No.19061 of 2022

Date :27/10/2022

trp

USK/SBN/SAR- /27.10.2022/3P/8C