



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.19197 of 2022

Nazarali

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
Crime No.138/2022.

... Respondent/Complainant

For Petitioner : M/s.Banumathy.A., Advocate.
For Respondent : Mr.E.Antony Sahaya Prahahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.138 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 15.10.2022 for the offences punishable under Sections 272, 273, 328 of IPC and 24(1) of COTP Act, 2003, in crime No.138 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused were found in illegal possession of Kuruvi Tobacco-884 pks, Nijamlady Tobacco-575 Pks, Kalaiman Tobacco-147 Pks, Tajmahal Tobacco-42 Pks, Ganesh Tobacco-14 Pks and Cool Lip-83 Pks for selling the same to the public Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is in custody from 15.10.2022 and no previous case is pending against him. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit at totally 2 accused are involved in this case. The petitioner was arrayed as A2. The petitioner and the other accused were found in illegal possession of 48 Kgs of Tobacco Products, worth about Rs.62,000/-. The property was seized and no previous case is pending against the petitioner. But, however, investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner on certain 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 Principal District Munsif Cum Judicial Magistrate Court, Thiruppathur, Sivagangai District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/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.5,000/- (Rupees Five Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, 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 Special Court/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/-

31/10/2022

/ TRUE COPY /

31/10/2022

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



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE, THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-12143[I] dated 31/10/2022)

ORDER
IN
CRL OP(MD) No.19197 of 2022
Date :31/10/2022

DSS
RS/VR/SAR.1 (31.10.2022) 3P-8C