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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

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

CRL OP(MD). No.19704 of 2022

Syed Imrankhan, ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Devakottai, Sivagangai District
(Crime No.244 of 2022). ... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.244 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 19.10.2022 for the offences punishable under Sections 272, 273, 328 IPC and Section 24(1) of the Cigarette and other Tobacco Products Act and Section 57 of Food Safety and Standards Act, 2006 @ 120(b), 109, 272, 273, 328 IPC and Section 24 (1) of the Cigarette and other Tobacco Products Act and Section 57 of Food Safety and Standards Act, 2006 in crime No.244 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have found in possession of 432 Kgs of Tobacco products worth Rs.3,40,000/- illegally and the same was recovered. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent 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 19.10.2022 and hence, he may be granted bail.

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4.The learned Government Advocate (Crl. Side) would submit that based on the confession of A1 the petitioner herein is arrayed as accused and he is having one previous case in similar nature. He would further submit that investigation of the case is pending and he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the property was recovered and also considering the period of incarceration, 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 Judicial Magistrate, Devakottai, Sivagangai District.

(i) the petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Madurai Bench of Madras High Court Dispensary operated by the Registrar (Admin) **(Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) 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;

(iii)the petitioner appear before 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 FI registered under Section 229A IPC.

sd/-
08/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (ADMINISTRATION)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE OFFICER INCHARGE,
DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12571[I] dated 08/11/2022)

ORDER
IN
CRL OP(MD) No.19704 of 2022
Date : 08/11/2022

TRP
PKP/GB/SAR- /09.11.2022/3P/9C