



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.19803 of 2022

Murugan

... Petitioner/Accused No.1

Vs

The State Rep.by
The Sub Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
Crime No.244 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sanjay S.M.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

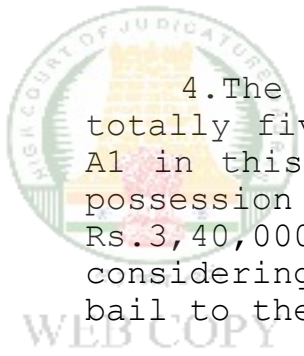
PRAYER :-For Bail in Crime No.244 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 19.10.2022 for the offences punishable under Sections 272, 273 and 328 IPC and 24(1) of COTP Act, 2003 r/w 57 of Food Safety and Standards Act, 2006 @ 120(b), 109, 272, 273 and 328 IPC and 24(1) of COTP Act, 2003 r/w 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 were found in possession of 432 Kgs of Tobacco products worth about Rs.3,40,000/- illegally and the same was recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in judicial custody from 19.10.2022. He would further submit that the co-accused was already released on bail by this Court in Crl.O.P.(MD)No.19704 of 2022, dated 09.11.2022 and hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that totally five accused in this case and the petitioner is also accused as A1 in this case. The petitioner and other accused were found in possession of 432 Kgs of Tobacco products worth about Rs.3,40,000/- illegally and the same was recovered. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the property was recovered and the co-accused was already released on bail and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his 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.

(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 shall 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].

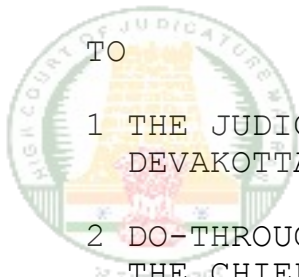
sd/-

09/11/2022

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09/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUPPATHUR.

4 THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1 THE REGISTRAR (ADMIN),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE OFFICER INCHARGE,
DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-12649[I] dated 09/11/2022)

ORDER

IN

CRL OP(MD) No.19803 of 2022

Date :09/11/2022

SJI

MK(09.11.2022) 3P 9C