



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2022
PRESENT

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

CRL OP(MD) . No.19829 of 2022

Sakthivel

... Petitioner/Petitioner/
Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
Crime No.428/2022.

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Siva Sankar M,
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 Cr No.428/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

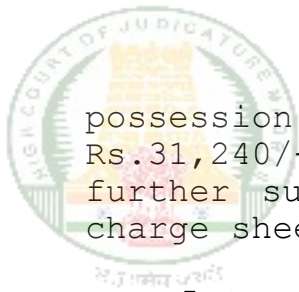
The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.10.2022 for the offences punishable under Sections 272, 273 and 328 IPC and Section 24(1) of COTPA Act in Crime No.428 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 204 pockets of banned tobacco products worth about Rs.31,240/- and the properties were recovered by the respondent police. 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 04.10.2022 and hence, he may be released on bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner was found in illegal

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



possession of 204 pockets of banned tobacco products worth Rs.31,240/- and he is having one similar previous case. He would further submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the charge sheet has already been filed before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following 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, Sankarankovil.

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/-

09/11/2022

/ TRUE COPY /

09/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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



3 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.SIVA SANKAR M Advocate SR.No.12655

ORDER

IN

CRL OP(MD) No.19829 of 2022

Date :09/11/2022

SJI

SA/VR/SAR. /09.11.2022/3P/7C