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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/11/2022
PRESENT

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

CRL OP(MD) . No.19860 of 2022

Chinnatambi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(In Crime No.169 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balaji A,
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.169 of 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 16.10.2022 for the offences punishable under Sections 273, 328 of IPC and 24(1) of COTPA Act, 2003, in crime No.169 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.10.2022, on secret information, the respondent police conducted special ride at the petitioner's grocery shop and he was found in possession of 140 Kg of Tobacco products for selling to public. Hence, the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that no previous case is pending against the petitioner and he was in judicial custody on 16.10.2022. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is found in possession of 140 Kg of Tobacco products worth about Rs.1,82,000/- for selling to public. He would further submit that the petitioner is having no previous case. However,

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since the investigation is not completed, he strongly op_ to grant bail.

5. Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 16.10.2022 and no previous antecedent is reported against the petitioner, 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, Karaikudi.

(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 is directed to deposit a sum of **Rs.18,000/- (Rupees Eighteen Thousand only)** to the credit of **Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)** for the purpose of constructing Cancer Institute, 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/-

10/11/2022

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10/11/2022

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 pandemic, 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.

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TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

+1. CC to M/S.BALAJI A Advocate SR.No.12812

ORDER

IN

CRL OP(MD) No.19860 of 2022
Date :10/11/2022

DSS

SA/TR/SAR. /10.11.2022/3P/8C