



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022
PRESENT

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

CRL OP(MD) . No.20190 of 2022

Jayabharathi

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kundrakkudi Police Station,
Sivagangai District.
(Crime No.116 of 2022).

... Respondent/Complainant

For Petitioner : M/s.N.GAYATHRI,
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.116 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Sections 273 and 328 IPC r/w 24(1) of COTP Act, 2003, in Crime No.116 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 in illegal possession of 48 packets of Ganesh Tobacco, 47 packets of Coolip, 100 packets of Hons, Vimal 50 packets and VI Tobacco 50 packets in his car for selling purpose to the public. 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 and he is in judicial custody from 22.10.2022. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that there are two accused in this case and the petitioner is arrayed as A2 in this case and the petitioner along with A1 were in illegal possession of 48 packets of Ganesh



Tobacco, 47 packets of Coolip, 100 packets of Hons, Vimal 50 packets and VI Tobacco 50 packets worth about Rs.71,500/- and the same was recovered. The petitioner is having no previous case.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the facts that the petitioner is in judicial custody from 22.10.2022 and the petitioner is not having any previous case and the property was recovered, this Court is inclined to grant bail to the petitioner subject to the following 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 Court, Karaikudi, Sivagangai District.

(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.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 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/-

15/11/2022

/ TRUE COPY /

15/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
KUNDRAKKUDI 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.

ORDER

IN

CRL OP(MD) No.20190 of 2022
Date :15/11/2022

SJI
SA/VR/SAR.4/15.11.2022/3P/7C