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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/11/2022
PRESENT

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

CRL OP(MD) . No.20397 of 2022

K.Santhosh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supply Cid Police Station,
Trichy.
(Cr No.253/2022) .

... Respondent/Complainant

For Petitioner : M/s.Rajaraman R,
Advocate.

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

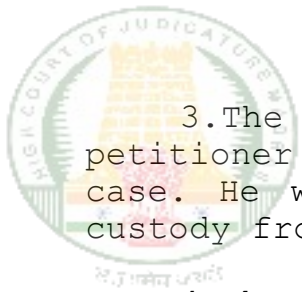
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Cr No.253/2022 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 09.10.2022 for the offences punishable under Sections 3(1)(c) of Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order 2000, and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in crime No.253 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the Village Administrative Officer of Ukkadai, Ariyamangalam and In-charge of Dhevadhanam Village lodged a complaint stating that on 08.10.2022, at about 06.30 p.m, on information, she went to the place of occurrence. At that time, a house bearing D.No.16/42 was caught fire and the fire service staffs were putting off the fire. In that occurrence, no harm was caused to the general public and the petitioner was found in illegal possession of 34 numbers of commercial cylinder and 21 number of domestic cylinder. Hence, the complaint.



3.The learned counsel for the petitioner would submit 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 09.10.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 55 cylinder without getting proper permission. The investigation is yet to be completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case 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 No.VI, Trichy.

(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/-

17/11/2022

/ TRUE COPY /

17/11/2022

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.



TO

1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID POLICE STATION,
TRICHY.

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

+1. CC to M/S.RAJARAMAN R Advocate SR.No.13168

ORDER

IN

CRL OP(MD) No.20397 of 2022

Date :17/11/2022

DSS

SA/VR/SAR. /17.11.2022/3P/7C