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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.20636 of 2022

Fauzan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Puzhuthipatti Police Station,
Sivagangai District.
Crime No.68/2022.

... Respondent/Complainant

For Petitioner : M/s.Aravind Raj 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 Crime No.68/2022 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 06.11.2022 for the offences punishable under Sections 272, 273 & 328 of IPC and Section 6(b), 24(1) of the Cigarette and other Tobacco Products Act, 2003, in crime No.68 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.11.2022, at about 11.30 a.m, on secret information, the respondent police intercepted the vehicle bearing Reg.No.TN-63-AB-9311 and found that the petitioner is in possession of 8.814 Kg of Tobacco products worth about Rs.11,440/-. 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 06.11.2022 and no previous case is pending against the petitioner. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 8.814 Kg of Tobacco products worth about Rs.11,440/-. The petitioner is not having previous case. The investigation is yet to be completed. Hence, he strongly opposed to grant bail.

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5.Considering the period of incarceration and also considering the fact that the no bad antecedent is reported against the petitioner, 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, Singampunari, 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 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/-

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22/11/2022

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, SINGAMPUNARI. SIVAGANGAI DISTRICT.

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



3 THE OFFICER INCHARGE, SUB JAIL, THIRUPPATUR, SIVAGANGAI DI

4 THE INSPECTOR OF POLICE, PUZHUTHIPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-13440[I] dated 22/11/2022)

ORDER

IN

CRL OP(MD) No.20636 of 2022

Date :22/11/2022

DSS

RS/SSS/SAR.(22.11.2022) 3P-7C