



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20798 of 2022

Surendran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Karaikudi South Police Station,
(Crime No.179 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajeswari A S,
Advocate.

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

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

PRAYER :-

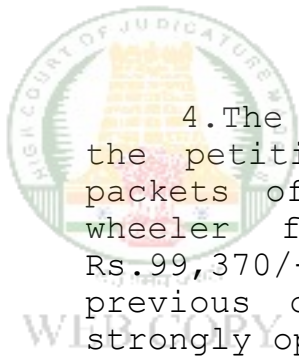
For Bail in Crime No.179 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 01.11.2022 for the offences punishable under Sections 273 and 328 IPC and 24(1) of COTPA Act, 2003 in Crime No.179 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has stocked 115 packets of Ganesh Tobacco, 104 packets of Panmasala and 103 packets of V1 Tobacco in his two wheeler for selling purpose to another shops, worth about Rs.99,370/- and the same was recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in judicial custody from 01.11.2022. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit at the petitioner has stocked 115 packets of Ganesh Tobacco, 104 packets of Panmasala and 103 packets of V1 Tobacco in his two wheeler for selling purpose to another shops, worth about Rs.99,370/- and the same was recovered. The petitioner is having no previous case. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the property was recovered and the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner with certain 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 and on further conditions that:

(i) the petitioner is directed to pay a sum of **Rs.3,000/- (Rupees Three Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) 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;

(iii) the petitioner shall appear before 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/-

24/11/2022

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24/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, KARAİKUDI.

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

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

4 THE INSPECTOR OF POLICE, KARAİKUDI SOUTH POLICE STATION,
KARAİKUDI.

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

COPY TO
THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI,
MADURAI.

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-13578[I] dated
24/11/2022)

ORDER
IN
CRL OP(MD) No.20798 of 2022
Date :24/11/2022

SJI
RS/VR/SAR.(24.11.2022) 3P-8C