



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.20794 of 2022

Sheik Saleem

... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.
Crime No.307/2022.

... Respondent/Complainant

For Petitioner : M/s.Pandi Dorai J,
Advocate.

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

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

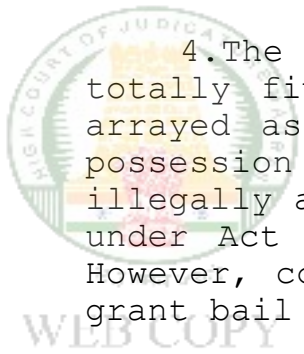
PRAYER :-For Bail in Crime No.307/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 20.10.2022 for the offences punishable under Sections 353, 506(ii) and 328 IPC and Section 24(1) of Cigarette and Other Tobacco Products Acts, 2003 in Crime No.307 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 found in possession of banned Tobacco products worth about Rs.1,62,234/- illegally and the same was recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and only based on the confession statement of the co-accused he has been arrayed as accused in this case and he is in judicial custody from 20.10.2022. Hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that totally five accused involved in this case and the petitioner is arrayed as A4. The petitioner and other accused were found in possession of banned Tobacco products worth about Rs.1,62,234/- illegally and the same was recovered. A1 to A3 were already detained under Act 14 of 1982. 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, Ambasamuthiram 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 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;

(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].

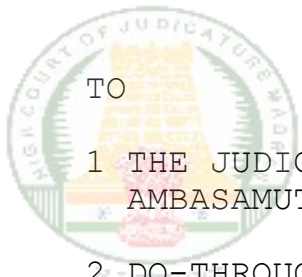
sd/-

24/11/2022

/ TRUE COPY /

24/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM

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

3 THE OFFICER INCHARGE,
SUB JAIL, AMBASAMUTHIRAM.

4 THE INSPECTOR OF POLICE
VK PURAM POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO
THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI

+1 CC to M/s.J.PANDI DORAI, Advocate (SR-13635[I] dated
24/11/2022)

ORDER

IN

CRL OP(MD) No.20794 of 2022

Date :24/11/2022

SJI

MK/SSS/24.11.2022/3P/8C