



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of November Two Thousand and Twenty
Two

WEB COPY

PRESENT

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

CRL OP(MD) No.20816 of 2022

P.KARUPPASAMY

... PETITIONER/ACCUSED NO.1

Vs

State Rep.by
THE INSPECTOR OF POLICE
AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.72/2022)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.PRABU, Advocate
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

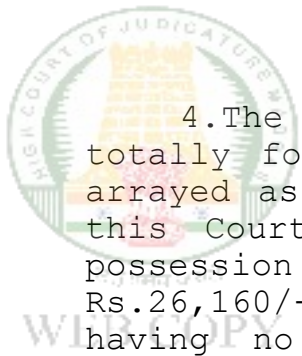
PRAYER : FOR BAIL IN CRIME NO.72/2022 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.11.2022 for the offences punishable under Section 328 IPC and Sections 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.72 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 72kgs of banned Tobacco products worth about Rs.26,160/- illegally 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 05.11.2022. He would further submit that the A2 to A4 were already granted anticipatory bail by this Court and however, the petitioner shall abide any condition imposed by this Court and hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit at totally four accused involved in this case and the petitioner is arrayed as A1. A2 to A4 were already granted anticipatory bail by this Court. The petitioner and other accused were found in possession of 72 Kgs of banned Tobacco products worth about Rs.26,160/- illegally 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 co-accused have already been granted anticipatory bail 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, Sankarankovil, Tenkasi District, and on further conditions that:

(i) the petitioner is directed to pay a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040)**, 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, SANKARANKOVIL, TENKASI DISTRICT.

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

3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-13607[I] dated 24/11/2022)

ORDER

IN

CRL OP(MD) No.20816 of 2022

Date :24/11/2022

SJI

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