



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.21031 of 2022

WEB COPY

Ashok Kumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.443 of 2022)

... Respondent/Complainant

For Petitioner : M/s.S.Ramesh Kumar, 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.443 of 2022 on the file of the Respondent Police

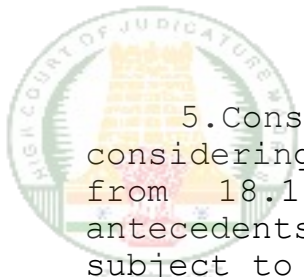
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.11.2022 for the offences punishable under Sections 272, 273 and 328 of IPC and Section 24(1) of Cigarette and other Tobacco Products Acts, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children Act), in Crime No.443 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products, worth about Rs.1,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner was found in possession of banned tobacco products worth about Rs.1,000/-. He would further submit that the petitioner is not having any previous case and the investigation in this case is still pending.



5. Considering the facts and circumstances of the case, so considering the facts that the petitioner is in judicial custody from 18.11.2022 and the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following 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.I, Sivagangai.

(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/-

28/11/2022

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28/11/2022

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

To

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMESH KUMAR, Advocate (SR-13846[I] dated 28/11/2022)

ORDER IN

CRL OP(MD) No.21031 of 2022

Date :28/11/2022

CP

<https://www.mca.gov.in> (28.11.2022) 2P-7C