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CRL OP(MD). N



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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.20990 of 2022

Ramiz

... Petitioner/Rank Not Known

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Balasubramaniyan S, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

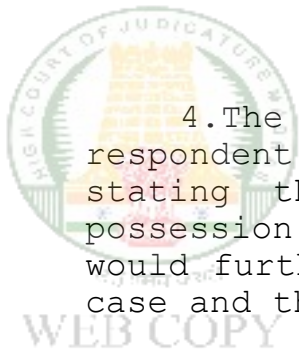
For Bail in Cime No.307 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.11.2022 for the offences punishable under Sections 353, 506(ii) and 328 of IPC and Section 24(1) of COTPA (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 illegal possession of banned tobacco products, worth about Rs.1,62,234/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of co-accused, the petitioner has been implicated in this case. He 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.



4.The learned Additional Public Prosecutor appearing before the respondent police opposed for grant of bail to the petitioner stating that the petitioner and other accused were found in possession of banned tobacco products worth about Rs.1,62,234/-. He would further submit that the petitioner is not having any previous case and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in judicial custody from 14.11.2022 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, Ampasamuthiram.

(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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioner shall report before the 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/-

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, AMPASAMUTHIRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, AMPASAMUTHIRAM.
- 4 THE INSPECTOR OF POLICE, V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST,
OTHAKADAI, MADURAI.

+1 CC to M/s.S.BALASUBRAMANIAN, Advocate (SR-13833[I] dated
28/11/2022)

ORDER
IN
CRL OP(MD) No.20990 of 2022
Date :28/11/2022

CP
RS/SSS/SAR.(28.11.2022) 3P-8C