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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21063 of 2022

Thameezahamed

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Cumbum North Police Station
Theni District.
(Cr No.361/2022).

... Respondent/Complainant

For Petitioner : M/s.Shankar Ganesh R,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

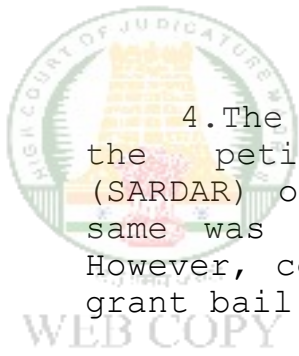
For Bail in Crime No.361 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 17.11.2022 for the offences punishable under Sections 272, 273 and 328 IPC r/w Sections 6(b) and 24(1) of COTPA Act, in crime No.361 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 104 packets (SARDAR) of banned Tobacco products worth about Rs.6,240/- 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 17.11.2022. Hence, he prays for bail.



4.The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 104 packets (SARDAR) of banned Tobacco products worth about Rs.6,240/- 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 fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner on 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, Uthamapalayam, Theni and on further conditions that:

(i) the petitioner is directed to pay a sum of **Rs.1,000/- (Rupees One Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040]**, 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/-

29/11/2022

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29/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

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

3 THE OFFICER INCHARGE, SUB JAIL, UTHAMAPALAYAM.

4 THE SUB INSPECTOR OF POLICE, CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-13950[I] dated
29/11/2022)

ORDER

IN

CRL OP(MD) No.21063 of 2022

Date :29/11/2022

SJI

RS/SSS/SAR.(29.11.2022) 3P-8C