



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

Date : 01/12/2022

PRESENT

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

CRL OP(MD) . No.21219 of 2022

S.Baskar

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No.285 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Selvakrishnan S,
Advocate.

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

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

PRAYER :-

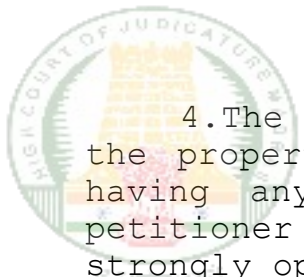
For Bail in Crime No.285 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 18.11.2022 for the offences punishable under Sections 328 IPC and Sections 6, 24(1) of Cigarette and other Tobacco Production Act, 2003 in crime No.285 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have found in possession 2 Kgs of banned Tobacco Products in a gunny bag worth about Rs.4,416/- 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 his name has been false implicated in this case. He further submitted that the petitioner is in judicial custody from 18.11.2022 and seeks bail.



4.The learned Additional Public Prosecutor would submit that the property has been recovered and the petitioner herein is not having any previous case. He would further submit that the petitioner investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that the petitioner herein is not having previous case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain 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.V, Thirunelveli and on further condition that;

(i) the petitioner is directed to deposit a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023 (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;

(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 appear 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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/12/2022

/ TRUE COPY /

01/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE
MUNNEERPALLAM 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.S.SELVAKRISHNAN, Advocate (SR-14083[I] dated
01/12/2022)

ORDER
IN
CRL OP(MD) No.21219 of 2022
Date :01/12/2022

trp
USK/SSS/SAR-III/01.12.2022/3P/8C