



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

Date : 06/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21530 of 2022

Mohammed Rahuman

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
Crime No.81 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vijayaraja J,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

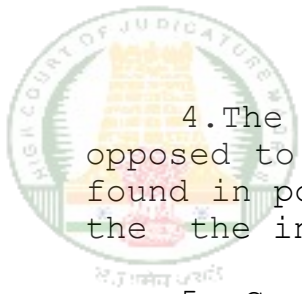
For Bail in Crime No.81 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.11.2022 for the offence punishable under Sections 273, 328 IPC and Section 24(1) of CTOP Act, 2003 in Crime No.81 of 2022, seeks bail.

2. The case of the prosecution is that on 08.11.2022, when the respondent police was in routine check up, the petitioner herein was illegally found in possession of Ganesh Pan Masala worth about Rs.12,180/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 08.11.2022. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would v. ly opposed to enlarge the petitioner on bail on the ground that he was found in possession of banned Pan Masala worth about Rs.12,180/- and the the investigation is in preliminary stage.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Karaikudi, and on further conditions that:

(b) the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Rajaji Hospital (**Account No:-7097546149, IFSC Code:- IDIB000T003, Indian Bank, Tallakulam Branch**), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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06/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI.

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

3. THE OFFICER-INCHARGE,
SUB JAIL, SIVAGANGAI.

4. THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.J.VIJAYARAJA, Advocate (SR-14403[I] dated 06/12/2022)

ORDER

IN

CRL OP(MD) No.21530 of 2022

Date :06/12/2022

trp

USK/SSS/SAR- /06.12.2022/3P/7C