



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

Date : 13/12/2022

PRESENT

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

CRL OP(MD) . No.21983 of 2022

Vijayakumar

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Sub Inspector of Police,
Samayanallur Police Station,
Madurai District.
Cr.No.225/2022.

... Respondent/Complainant

For Petitioner : M/s. Jinnah S M A,
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. 225/2022 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 19.11.2022 for the offence punishable under Sections 272, 273, 328 IPC and 6, 24(1) of COTPA Act in Crime No. 225 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving a secret information the respondent police conducted patrolling on 19.11.2022 and at that time, the petitioner herein and other accused have found in possession of banned tobacco produces worth Rs.3,93,900/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 19.11.2022 and seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein is habitual offender and he is having one previous case in similar nature and hence, he strongly opposed to grant bail to the petitioner.

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5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of any one of the welfare scheme without prejudice to his contention and seeks bail.

6. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- and that the petitioner is in judicial custody from 19.11.2022, 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, Vadipatti, and on further conditions that:

(b) **(*) the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh 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/-
13/12/2022

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**(*)MODIFIED THE CONDITION AS PER
ORDER OF THIS COURT DATED 15.12.2022
IN CRL MP(MD)NO.15743 OF 2022 IN CRL
OP(MD)NO.21983 OF 2022**

/ TRUE COPY /

16/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE SUB INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE DEAN,
RAJAJI HOSPITAL, MADURAI.

ORDER
IN
CRL OP(MD) No.21983 of 2022
Date :13/12/2022

TRP
USK/VR/SAR- /13.12.2022/3P/7C
RK/SSS/SAR-2 (16.12.2022) 3P/7C