



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/12/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.22165 of 2022

Sudalaiakannu

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Cr.No.300/2022.

... Respondent/Complainant

For Petitioner : M/s. Prakash.Y,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 300/2022 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 06.12.2022, for the offences punishable under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice Act, 2015 and Section 328 of I.P.C, in Crime No.300 of 2022, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products, to the value of Rs.1,500/-. 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 06.12.2022. However, to show his *bona fide*, the petitioner is ready to donate/deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays for bail.



4.The learned Additional Public Prosecutor would v. ly opposed to enlarge the petitioner on bail, on the ground that he is having five previous cases at his credit and he was found in possession of banned tobacco products worth about Rs.1,500/-.

5.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner's readiness to deposit amount in any Welfare Scheme, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner shall made a donation/non-refundable deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Madurai Bench Madras High Court Advocates Welfare Fund, A/c No.7087208431, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.On production of such receipt/acknowledgment, 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, Nanguneri** and on further conditions that:

(a) 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;

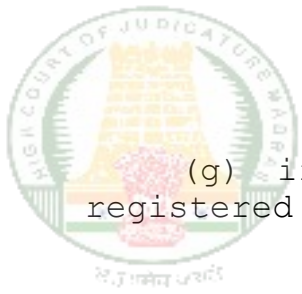
(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

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

(f) 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];



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

sd/-
15/12/2022

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/ TRUE COPY /

15/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI.
- 4 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI 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. PRAKASH.Y Advocate SR.No.14873

ORDER

IN

CRL OP(MD) No.22165 of 2022
Date :15/12/2022

PNM
SA/SKN/SAR. /15.12.2022/3P/8C