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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23230 of 2022

Latha

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Karur Town Police Station,
Karur District
(Crime No. 794 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Maniyarasu.K.C,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.794 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 20.12.2022 for the offence punishable under
Sections 273,328 of IPC r/w.Section 77 of the Juvenile Justice (Care
and Protection of Children) Act, 2015 and Section 24(1) of Cigarette
and other Tobacco Products Act, 2003 in Crime No.794 of 2022 on the
file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found
in illegal possession of banned tobacco products. Hence the present
case came to be registered.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent. He would further submit that the
petitioner is a widow and running a tea stall for her livelihood and

<https://www.mca21.in/judis>



her two minor children. He would further submit that she falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 20.12.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 2kgs 250gms of poisonous tobacco materials in 17 pockets banned by the Government. He would also submit that one case in Crime NO.1381 of 2021 is pending against the petitioner. Hence he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that the petitioner is a widowed lady who has to take care of the minor children, 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 No.I, Karur and on further conditions that:

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m.,and 5.30 pm., until further orders;

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

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

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

(g) 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



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

sd/-

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE OFFICER IN CHARGE,
KARUR DISTRICT JAIL, KARUR.
- 4 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-15629[I] dated
28/12/2022)

ORDER

IN

CRL OP(MD) No.23230 of 2022

Date :28/12/2022

RK/MMS/SAR- (28/12/2022) 3P/7C