



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

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.752 of 2023

WEB COPY

Abdul Samadhu

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.160 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Banumathy.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.160 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 30.12.2022 for the offences under Sections 273 and 328 IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in crime No.160 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution, as per the de-facto complainant Shunmugam, is that on specific information, a search was conducted in the shop of A1 and he was found in illegal possession of banned tobacco products worth about Rs.27,682/- and a cash of Rs.3,30,000/- was also recovered from him and during the enquiry, he had informed that he had purchased the tobacco products from the petitioner herein, who is the main supplier of the banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been implicated as an accused in this case based on the alleged confession recorded from A1. He would further submit that the petitioner has no previous case pending against him and he would seek for bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner is the main supplier of banned tobacco products and that he is the person, who has been selling the tobacco products to various persons. Hence, he opposed for grant of bail.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner has no previous case pending against him and without prejudice to his defence, is ready and willing to deposit a sum of Rs.20,000/- to any welfare scheme conducted by the Government.

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

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of **Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai)** for the purpose of maintaining creche without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

9.On production of proof of such receipt/acknowledgement, 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, Sivagangai District, and on further conditions that:

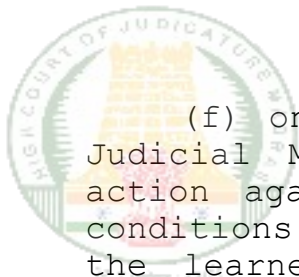
(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(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/-

11/01/2023

/ TRUE COPY /

11/01/2023

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BANUMATHY.A, Advocate (SR-537[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.752 of 2023

Date :11/01/2023

USK/VR/SAR- /11.01.2023/3P/8C