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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2023

PRESENT

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

CRL OP(MD) . No.1216 of 2023

Thandabani

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : M/s.C.Sundarvadivel, Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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/Accused, who was arrested and remanded to judicial custody on 30.12.2022, for the offences punishable under Sections 273, 328 IPC, Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.160 of 2022, seeks bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of banned tobacco products, to the value of Rs.27,682/- and cash of Rs.3,30,000/-. 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 30.12.2022. The petitioner is not having any previous case to his credit. Further, he would submit that the petitioner's father viz., Ganapathy, aged about 82 years, now is in his death bed. Hence, prays for bail.



4.The learned Government Advocate (Crl.Side) would v ly opposed to enlarge the petitioner on bail, on the ground that the accused persons were found in possession of banned tobacco products worth about Rs.27,682/-.

5.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any bad antecedent to his credit, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the Superintendent of Prison, Sub Jail, Thiruppathur and on further condition that

(a) the petitioner herein shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties within one week from the date of release from the prison, to the satisfaction of the learned Judicial Magistrate, Karaikudi;

(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., for a period of two weeks, thereafter, on every Saturday at 10.30 a.m., 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 SCW 5560];

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

List the matter on 03.02.2023, 'for reporting compliance'.

sd/-

20/01/2023

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20/01/2023

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

pnm

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

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

3 THE SUPERINTENDENT OF PRISON, 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.

+1 CC to M/s.SUNDARVADIVEL.C, Advocate (SR-896[I] dated
20/01/2023)

ORDER

IN

CRL OP(MD) No.1216 of 2023

Date :20/01/2023

RS/SSS/SAR.(20.01.2023) 3P-7C