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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2023

PRESENT

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

CRL OP(MD) . No.1371 of 2023

M.Ambaresh

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.418/2022..

... Respondent/Complainant

For Petitioner : M/s.Vishnu.J,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr No.418/2022 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 19.12.2022 for the offence punishable under Sections 273 and 328 of IPC in Crime No.418 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.3,90,000/-. 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 19.12.2022, hence, he seeks



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.3,90,000/-. Hence he opposed to grant bail to the petitioner.

5. In reply the learned counsel for the petitioner would submit that the petitioner without prejudice to his defence, is ready and willing to deposit a sum of Rs.1,00,000/- to any welfare scheme.

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 non refundable deposit by way of Demand Draft/RTGS/NEFT in favour of Dean, Sivagangai Medical College and Hospital, Sivagangai for a sum of **Rs.1,00,000/- (Rupees One lakh only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the receipt/acknowledgement before the trial Court at the time of furnishing sureties. 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, Sivagangai, and on further conditions that:

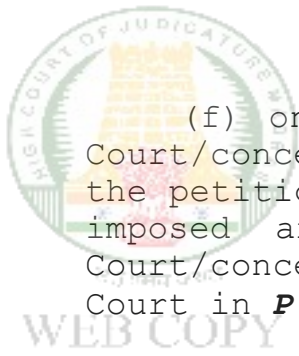
(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(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 during investigation or trial;



(f) on breach of any of the aforesaid conditions, the Court/concerned 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 Special Court/concerned 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/-

27/01/2023

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30/01/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE OFFICER IN CHARGE,
SUB JAIL, MELUR, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN,
SIVAGANGAI MEDICAL COLLEGE AND HOSPITAL,
SIVAGANGAI.

+1 CC TO M/S.J.VISHNU, Advocate SR-1367

ORDER

IN

CRL OP(MD) No.1371 of 2023

Date :27/01/2023

RK/VR/SAR- (27/01/2023) 3P/8C

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