



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

Date : 05/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.9641 of 2023

WEB COPY

Gowtham

... Petitioner / Accused No.1

Vs

State rep by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No.215 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.Jothikumar P, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.215 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

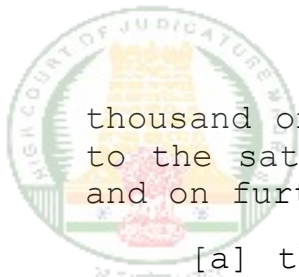
The petitioner /A1 who was arrested and remanded to judicial custody on 14.05.2023 for the offences under sections 272, 273, 328 of IPC & 6(b), 24(1) of Cigarette & Other Tobacco Products Acts, 2003, in Crime No.215 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of Ganesh 701 Tobacco pks 55 numbers and Cool Lip pks 57 numbers worth about Rs.2,59,000/-. Hence, the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

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

5. Accordingly, the petitioner is ordered to be released on bail executing a bond for a sum of Rs.10,000/- (Rupees Ten



thousand only) with **two blood related sureties**, each for a sum to the satisfaction of learned Judicial Magistrate, Theni District, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall make a non refundable deposit for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of **Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC.CODE:IDIB000H040 Branch High Court, Madurai**, and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

[i] the petitioner shall file undertaking affidavit before the trial Court that he will not indulge in similar types of offences again. If the petitioner fails to comply with the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-
05/06/2023

/ TRUE COPY /

05/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Judicial Magistrate,
Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.

4.The Officer Incharge,
Sub Jail, Periyakulam.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,
Madurai Bench High Court Advocates Association (MBHAA),
Madurai.

ORDER

IN

CRL OP(MD) No.9641 of 2023

Date :05/06/2023

ED/SSS/SAR- (05/06/2023) 3P 7C