



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

Date : 06/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9764 of 2023

WEB COPY

G.Navarathinavel @ Navarathiam Vel ... Petitioner/Accused No.2

Vs

State Rep.by

The Inspector of Police,

P.C.Patti Police Station,

Theni District

(Crime No.215 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Dinesh K, 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/A2, who was arrested and remanded to judicial custody on 14.05.2023 for the offences punishable under Sections 272, 273 and 323 of IPC and Sections 6(b) and 24(1) of COTP Act, 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 along with other accused were found in illegal possession of banned Ganesh Tobacco-770 pockets worth of Rs.1,75,000/-, Cool Lip-228 pockets worth of Rs.60,000/-, Vimal Pakku-150 pockets worth of Rs.24,000/-, Mini Vimal Pakku-90 pockets and cash of Rs.98,880. Hence, the case.

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

4.It is seen that there are three accused involved in this case, in which, the petitioner is arrayed as A2. The petitioner has been implicated as an accused on the confession statement of the first accused. He had also involved in six previous cases of similar in nature. However, the co-accused was already granted bail by this Court.



5. Taking into consideration of 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Theni, 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the **Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)** 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.

[h] after coming out from prison, the petitioner shall file an 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/-

06/06/2023

/ TRUE COPY /

06/06/2023

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

SJI



TO

1 THE JUDICIAL MAGISTRATE, THENI, THENI DISTRICT.

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

3 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.

4 THE INSPECTOR OF POLICE, P.C.PATTI POLICE STATION, THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND (CMPRF),
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI - 9.

+1 CC to M/s.K.DINESH, Advocate (SR-8155[I] dated 06/06/2023)

ORDER

IN

CRL OP(MD) No.9764 of 2023

Date :06/06/2023

MGJ/VR/SAR-(06.06.2023) 3P 8C