

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12346 of 2019

1 ARULSELVAN @ MURUGAN
2 GOVINDHARAJ

[PETITIONERS / ACCUSED]

Vs

THE STATE, REPRESENTED BY, [RESPONDENT]
INSPECTOR OF POLICE,
KARUMALAIKOODAL POLICE STATION,
SALEM DISTRICT
CR.NO.68 OF 2019

For Petitioner : M/S.C.PRABAKARAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 10.04.2019 for the offence under Sections 273, 328 of IPC and Section 7 and 20(1) of Cigarette and other Tobacco Products Act and Section 52 and 59 of Food Safety and Standards Act 2006 and Section 4(b) of Explosive Substances Act in Crime No.68 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police along with a team intercepted a car and conducted a search. They found banned Tobacco products along with explosive substances.

3.The learned counsel for the petitioners submitted that a false case has been foisted against the petitioners and they have nothing to do with the alleged offence. The learned counsel further submitted that the petitioners were arrested and remanded to judicial custody on 10.04.2019 and the petitioners have already suffered incarceration for more than 29 days.

4.The learned Additional Public prosecutor submitted that the entire banned Tobacco products and the explosive substances have been seized by the respondent police and there are no previous cases against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the respondent police have already seized the entire banned Tobacco products and the explosive substances and the petitioners having already suffered incarceration for more than 29 days, this Court is inclined to grant bail to the petitioner subject to the following condition.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.2, Mettur 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 petitioners shall report before the respondent police every Monday and Friday at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate No.2/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial Magistrate No.2/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

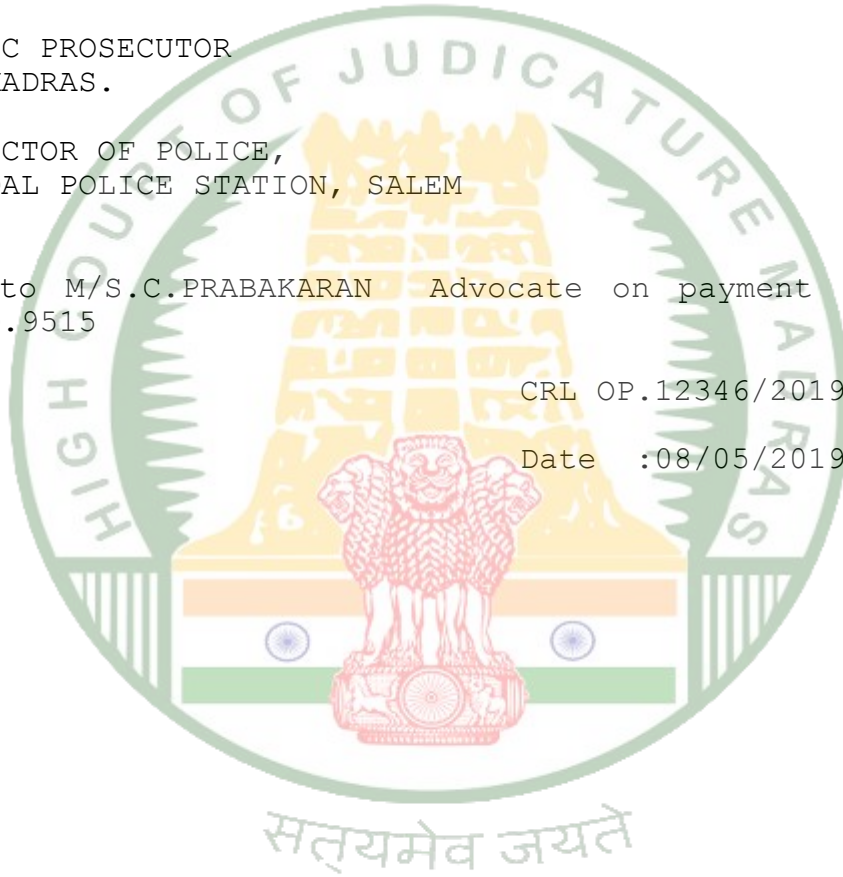
5 THE INSPECTOR OF POLICE,
KARUMALAIKOODAL POLICE STATION, SALEM
DISTRICT

+1CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR NO.9515

CRL OP.12346/2019

Date :08/05/2019

MK:09/05/2019



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