



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.570 of 2019

1 MURUGAN
2 THANGAPANDI
3 ARUN
4 MUTHUKUMAR

... PETITIONERS / ACCUSED
Nos.2 to 5

Vs

THE SUB INSPECTOR OF POLICE,
C5, KARIMEDU POLICE STATION,
MADURAI CITY,
MADURAI.
Crime No.1067/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.MURALI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 28.12.2018 for the offences punishable under Section 20(2),24 (1) Cigarette and Other Tobacco Products Act 2003 and 328,188 of IPC in Crime No.1067 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on patrolling the respondent police found that the petitioners along with the other accused persons having contraband Tobacco and Gudkha in a Van. Hence the complaint.

3. The learned counsel for the petitioners would submit that these petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that the first petitioner herein is the owner of the vehicle and on the basis of his confession the accused were implicated in this case. He would also submit that the properties have been recovered from



the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

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6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.5, Madurai and on further condition that:

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

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

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/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 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].

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

sd/-
11/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO 5,
MADURAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
C5, KARIMEDU POLICE STATION,
MADURAI CITY,
MADURAI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.M.MURALI Advocate SR.No.704

ORDER

IN

CRL OP(MD) No.570 of 2019

Date :11/01/2019

TK/VR/SAR-4/11.01.2019/3P/7C