



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

WEB COPY

PRESENT

**The Hon`ble Mr Justice B.PUGALENDHI**

**CRL OP(MD) No.6875 of 2019**

SIVAKUMAR

... PETITIONER/ACCUSED No.1

Vs

THE STATE,  
THE INSPECTOR OF POLICE,  
VELLIYANAI POLICE STATION,  
KARUR DISTRICT.  
CRIME NO.84 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SARVAGAN PRABHU, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/ Accused No.1 who was arrested and remanded to judicial custody on 13.04.2019 for the offences punishable under Sections 273 & 328 of IPC and Sections 7 and 21(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.84 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.S.Sarvagan Prabhu, learned counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3. It is the case of the prosecution that the *de facto* complainant/ Sub Inspector of Police, Velliyana Police Station was on regular night check up. On 13.04.2019 at about 4:00 a.m., the *de facto* complainant intercepted a Eicher lorry bearing Reg No.TN 24 AQ 8012 near Karur to Dindigul by-pass road near Vellammal School and found the petitioner/driver, in possession of banned Gudka and cigarette bundles.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that the petitioner was secured on 13.04.2019 and he is languishing in the jail for the past 33 days. According to him, there is no bad antecedent against him and to show his bonafide, he is also prepared to deposit some amount.



5. The learned Government Advocate (Crl. Side) opposes for the grant of bail as the investigation of the case is not yet over.

6. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioner has already suffered incarceration for more than 33 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Karur District and preferably it can be utilized for the purpose of installation of UPS(inverter) in the Hospital wards depending upon the requirement within the district, on such deposit, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Karur, No.2, Karur District and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m., until further orders;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

15/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.2,  
KARUR DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT

3. THE INSPECTOR OF POLICE,  
VELLIYANAI POLICE STATION, KARUR DISTRICT

4. THE OFFICER INCHARGE,  
SUB JAIL, KARUR

5. THE OFFICER INCHARGE,  
THE PATIENT WELFARE SOCIETY,  
DISTRICT HEADQUARTERS HOSPITAL,  
KARUR, KARUR DISTRICT

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

+1. CC to M/S.S.SARVAGAN PRABHU Advocate SR.No.8298

ORDER

IN

CRL OP (MD) No.6875 of 2019

Date :15/05/2019

STS

PK/JC/SAR-2/17.05.2019 : 3P/8C