



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7046 of 2019

1 JAGANRAJ

2 RAGURAMAN @ POOVALINGAM

3 SURESH @ POOVALINGAM

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

AIRPORT POLICE STATION,

TRICHY DISTRICT.

(CRIME NO.238/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.ANANDAKUMAR Advocate

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

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

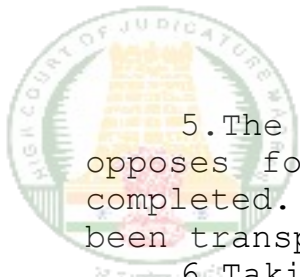
ORDER : The Court Made the following order :-

The petitioners/accused No.1 to 3, who were arrested and remanded to judicial custody on 01.05.2019, for the offence punishable under Sections 353, 328, 272, 506(ii) of I.P.C, r/w 6(a) 24(1) of COTPA Act, in Crime No.238 of 2019, on the file of the respondent police, seek bail.

2.Heard Mr.N.Anandakumar, learned Counsel for the petitioners 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, Airport Police Station was on regular night check up. On 30.04.2019 at about 21:15 hours, the *de facto* complainant intercepted a Bolero Load Van bearing Reg No.TN 48 AE 8525 near Pudukkottai Main Road, Check Post No.3 and found that the petitioners were in possession of banned Gutka and Panparag. Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. According to the petitioners, those materials are not prohibited one and it is only a Tobacco. However, it has been projected as it as Gutka. Further, the petitioners have also come forward to deposit a sum of Rs.50,000/- to show their bonafide.



5. The learned Government Advocate (Crl. Side) vehemently opposes for the grant of bail as the investigation is yet to be completed. He would further submitted that the Gutka materials have been transported and sold by the petitioners.

6. Taking into consideration of the fact that a substantial portion of the investigation is over and the willingness of the petitioner to deposit a sum of Rs.50,000/- to show the bonafide, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), to the account of Patient Welfare Society, District Headquarters Hospital, Trichy 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 petitioners are ordered to be released on bail in the event of or on their appearance, on 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.VI, Tiruchirappalli, and on further conditions that:-

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

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

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners 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 /

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.



3 THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-8489[I] dated 16/05/2019)

COPY TO:

THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
TRICHY DISTRICT.

ORDER

IN

CRL OP(MD) No.7046 of 2019

Date :15/05/2019

JM/MMS/SAR 2/17.05.2019/3P/8C