



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9644 of 2019

1. Manikandan
2. Baskaran

... Petitioners/Accused Nos.1 & 2

Vs

state Rep.by
The Sub Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
(Crime No. 472/2019)

... Respondent/Complainant

For Petitioners: M/s.T.Lenin Kumar, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

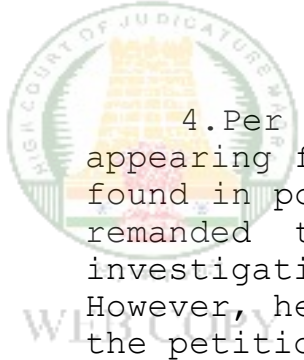
For Bail in Crime No. 472/2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.1, 2 & seeking bail for the alleged offence punishable under Section 328 of IPC and 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.472 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners were falsely implicated in this case and he further submitted that even as per the FIR, the petitioners were found in possession of 1.Vimal Pan Masala (28 Kgs), 2.Tobacco (6 Kgs), 3. Bullet Rani Pan Masala (163 Kgs), 4.Ganesh Tobacco (30 Kgs, 5.Loyal Tobacco (22 Kgs) totally 249 Kgs of Tobacco. He further submitted that the petitioners are in custody from 24.06.2019 and no previous case is pending against the petitioners. Hence, he prayed to grant of bail to the petitioners.



4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners were found in possession of 249 Kgs of Tobacco and they were arrested and remanded to judicial custody. He further submitted that the investigation is still pending. Hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners.

5.Taking into consideration of the fact that the petitioners are in custody from 24.06.2019 and also the fact that the no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a]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.I, Madurai.

[b]the petitioners shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

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

[e]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].

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

sd/-

08/07/2019

/ TRUE COPY /

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

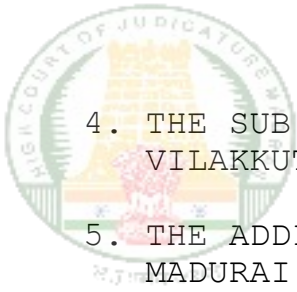
TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



4. THE SUB INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION, MADURAI CITY.

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.11264

ORDER

IN

CRL OP (MD) No.9644 of 2019

Date :08/07/2019

MS/PN/SAR-4/08.07.2019/3P.7C