



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11193 of 2020

1. Ramachandran,

2. Velmurugan, ... Petitioners/Accused Nos.1 & 2

Vs

State rep by
The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.

(Crime No. 1058 of 2020).

... Respondent/Complainant

For Petitioners : M/s.R.Alagumani,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.No.1056 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein was arrested and remanded to Judicial Custody on 08.09.2020 for the offences punishable under Sections 328 of IPC and Section 6(a),6(b) and Section 24(1) of Cigaratte and Other Tobacco Products Act, 2003

2.The case of the prosecution is that the petitioners along with other accused persons said to have illegally transported 6124 Kgs of banned tobacco products worth Rs. 37 lakhs

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated

<https://hccservices.courts.madras.gov.in/cservices>.



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that petitioners along with other accused persons said to have illegally transported 6124 Kgs of banned tobacco products worth Rs. 37 lakhs and the entire contraband was seized by the respondent police. He would also submit that A1 is having no previous case and A2 is having three previous case.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that the entire contraband has been seized by the respondent police, this Court is inclined to grant bail to the petitioners by imposing conditions.

6.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions

[a] each of the petitioners shall make a non refundable deposit of **Rs.1,00,000/- (Rupees one lakh only)** to the credit of Adyar Cancer Institute (WIA) East Canal Bank Road, Adyar, Chennai (or) Arignar Anna Memorial Cancer Hospital and Research Institute,Kancheepuram without prejudice to their defence before the trial Court

[b] On such deposit,the petitioners shall execute 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.IV, Tirunelveli.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

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

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

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

[g]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].



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

sd/-
12/10/2020

WEB COPY

/ TRUE COPY /

/ /2020

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

AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, No.IV, Tirunelveli.
2. Do Through
The Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
4. The Superintendent, Central Prison, Palayamkottai
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

1. Adyar Cancer Institute (WIA) East Canal Bank Road,
Adyar, Chennai
2. Arignar Anna Memorial Cancer Hospital
and Research Institute, Kancheepuram

ORDER IN
CRL OP(MD) No.11193 of 2020
Date : 12/10/2020

TR/RSK/SAR-II(12.10.2020) 3P 8C