



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2020

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PRESENT

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

CRL OP(MD). No.11740 of 2020

1. Subramani,
2. Logeshwaran

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Chinthamanipatti Police Station
Karur District.
Crime No.276/2020

... Respondent/Complainant

For Petitioners: M/s.D.Shanmugaraja Sethupathi,
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 Crime No.276 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who was arrested and remanded to Judicial Custody on 05.10.2020 for the offences punishable under Sections 273, 328 and 285 of IPC and Section 24(i) of the Cigarette and other Tobacco Products Act 2003 and Section 9(B)(i)(b) of the Explosive Act, 1884 in crime No.276 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of various types of crackers/explosives and tobacco products. Hence, the complaint.



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

4. The learned Government Advocate (Crl. Side) appearing for the State would submit that the petitioners were found in illegal possession of various types of crackers/explosives and tobacco products. He would also submit that investigation is still pending.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, 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] The petitioners shall jointly deposit a sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** to the credit of the Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai-20, within a period of two weeks, 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kulithalai, Karur District.

[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., for a period of two weeks and thereafter, as and when required for interrogation.

[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/-
28/10/2020

/ TRUE COPY /

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/ /2020

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

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.I, KULITHALAI,
KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, KARUR.
4. THE INSPECTOR OF POLICE,
CHINTHAMANIPATTI POLICE STATION, KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD,
ADYAR, CHENNAI-20

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-7178[I] dated 28/10/2020)

ORDER
IN
CRL OP(MD) No.11740 of 2020
Date :28/10/2020

MS/PN/SAR-3/28.10.2020/3P.8C