



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/12/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.14918 of 2020

1. Chithirai Selvan
2. Mohanraj

... Petitioners/Accused No.1 and 2
- Vs-

State rep.by
The Sub-Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.245/2020)

... Respondent/Complainant

For Petitioners: Mr.S.Muniyandi, Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.245/2020 on the file of the respondent police.

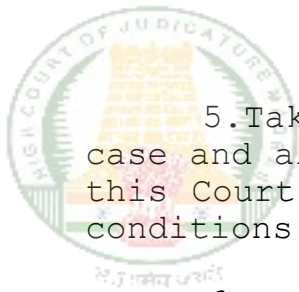
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who was arrested and remanded to Judicial Custody on 29.11.2020 for the offences punishable under Section 328 of IPC and Sections 6(b) and 24(1) of Cigarette and Tobacco Productions Act, 2003 in crime No.245 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of one bag of tobacco, which had been banned by the Government of Tamilnadu. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons 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 and other accused were found in illegal possession of one bag of tobacco, which had been banned by the Government of Tamilnadu. Hence, he vehemently opposed to grant bail to the petitioners.



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] each of the petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Arignar Anna Cancer Institute, Kanchipuram, 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, Thiruchendur.

[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 stay at Melmaruvathur and report before the Melmaruvathur Police Station, daily at 10.30 a.m., for a period of four weeks and thereafter, they 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/12/2020

/ TRUE COPY /

/ /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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE OFFICER INCHARGE,
DISTRICT PRISON, THOOTHUKUDI.
 4. THE SUB-INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

1. THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR.
2. THE OFFICER INCHARGE,
ARIGNAR ANNA CANCER INSTITUTE,
KANCHIPURAM.

ORDER
IN
CRL OP(MD) No.14918 of 2020
Date :16/12/2020

MS/VR/SAR-4/16.12.2020/3P.8C