



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

Date : 22/12/2020

PRESENT

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

CRL OP(MD). No.15432 of 2020

1. Prakash
2. Prasath

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam, Thanjavur District.
(Crime No.1625 of 2020)

... Respondent/Complainant

For Petitioners: Mr.B.Prahalad Ravi,
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.1625 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 27.11.2020 for the offences punishable under Sections 272,273,328 of IPC r/w. Section 59 of Food safety and Standard Act 2006 and Section 7(5) and 20(2) of Cigaratte and Other Tobacco Products Act, 2003

2.The case of the prosecution is that the petitioners along with other accused persons were in illegal possession of 927kgs of banned tobacco products.

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 petitioners along with other accused persons were in illegal possession of 927kgs of banned tobacco products and the entire contraband was seized by the respondent police.

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.50,000/- (Rupees Fifty thousand 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, Kumbakonam, Thanjavur 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 stay at Palladam and report before the Palladam Police Station daily at 10.30 a.m and 5.30 p.m., for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., for a period of four weeks.

[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/-
22/12/2020

WEB 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,
KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION, PALLADAM.
- 2 THE OFFICER INCHARGE,
ADYAR CANCER INSTITUTE (WIA)
EAST CANAL BANK ROAD, ADYAR, CHENNAI.
- 3 THE OFFICER INCHARGE,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL
AND RESEARCH INSTITUTE, KANCHEEPURAM.

ORDER
IN
CRL OP(MD) No.15432 of 2020
Date :22/12/2020

MS/PN/SAR-2/22.12.2020/3P.9C

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