



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

Date : 30/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16034 of 2020

1.Muthupandi
2.Sairam

... Petitioners/Accused
No.2 and 3

Vs

The State rep.by
The Inspector of Police,
South Gate Police Station,
Madurai City.
Crime No.1298 of 2020.

... Respondent/Complainant

For Petitioners : Mr.Yogesh Jeeva, 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.1298 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as Accused Nos.2 and 3. They were arrested and remanded to Judicial Custody on 10.12.2020 for the offences punishable under section 328 of I.P.C. and Sections 24(1), 6(a) and 6(b) of Cigarette and Other Tobacco Product Act, in Crime No.1298 of 2020 on the file of the respondent police. They seek bail.

3. The case of the prosecution is that defacto complainant, who is working as Inspector of Police, recovered 395 Kgs of prohibited tobacco articles from the first accused. Hence, the case.

4.The learned counsel appearing for the petitioners submitted that the first petitioner and the second petitioner are working as Clerk and Assistant Manager in KPN Speed Parcel Service



respectively. The petitioners are not having any bad antecedents and the consignment was booked and subsequently cancelled by the Head Office, Bangalore. The petitioners were implicated only based on the confession statement given by the first accused. He further submitted that the first petitioner was affected by Covid-19.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that 395 kgs of tobacco articles were seized from the first accused and based on his confession statement, the petitioners were arrayed as accused Nos.2 and 3. The petitioners are not having any previous case in similar nature.

6. Considering the period of judicial custody, the petitioners are not having any previous case in similar nature and the first petitioner is affected by Covid - 19, I am inclined to enlarge the petitioners on bail with certain conditions.

7. Accordingly, 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai.

i) 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

ii) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/12/2020

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE No.IV
MADURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI CITY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16034 of 2020
Date :30/12/2020

IAS/RM
TK/PN/SAR.3/30.12.2020/3P/6C