



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

Date : 04/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1522 of 2021

1. Prakash
2. Santhosh

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
Crime No.80/2021.

... Respondent/Complainant

For Petitioners : Mr.Jesu Paulraj.M.,
Advocate.

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

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

PRAYER :- For a Bail in Crime No.80 of 2021 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 22.01.2021 for the offences punishable under Sections 6 and 24(1) of Cigarette and Other Tobacco Product Act,2003 and section 328 of IPC and Sections 77 and 78 of the Juvenile Justice(Care and Protection of Children) Act, 2015, seek bail.

2.The case of the prosecution is that the petitioners along with other were found in illegal possession of 20 bags 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. He would also submit that no previous case is pending against the petitioners.



4.The learned Government Advocate(Crl.Side) appearing for the State would submit that the petitioners along with other accused were found in illegal possession of 20 bags of banned tobacco products and the same was recovered by the respondent police. He would also submit that no previous case is pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the fact that the entire tobacco products were seized by the respondent police and also taking note of the fact that no previous case is pending against the petitioners, 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 make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)each** to the credit of Cancer Institute (WIA),No.38,Sardar Patel Road,Adyar, Chennai- 20, without prejudice to their rights and contentions 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, Thuraiyur, Tiruchirapalli

[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/-

04/02/2021

WEB COPY

/ TRUE COPY /

/ /2021

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,
THURAIYUR, TIRUCHIRAPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 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.K.SIVABALAN, Advocate (SR-702[I] dated 04/02/2021)

ORDER

IN

CRL OP(MD) No.1522 of 2021

Date : 04/02/2021

AAV

JM/VR/SAR II/04.02.2021/3P/8C