



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13019 of 2021

Manikandan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
Crime No. 327 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.PITCHAI MUTHU,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

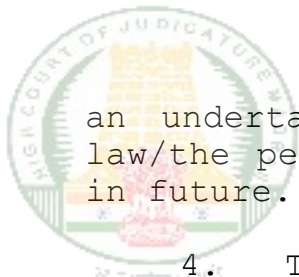
For Bail in Crime No.327 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 25.08.2021, for the offence punishable under Section 328 IPC r/w. Sections 6(a) & 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Cr.No.327 of 2021 seeks bail.

2. The petitioner herein is arrayed as A2. The case of the prosecution is that during the patrol, the respondent Police had seen that the petitioner and the first accused were standing at Toll Gate Bus stop in a suspicious manner and upon enquiry, it was found that they were in possession of 77 packets of Hams, 25 packets of Coolips gutka, 19 Packets of Chaini gutka and 176 Packets of Vimal Pan Masala.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, the petitioner is languishing in jail from 25.08.2021. Hence, he prayed for grant of bail. He further submits that the sister-in-law of the petitioner has filed



an undertaking affidavit before this Court that her brother-in-law/the petitioner herein will not indulge in any criminal offence in future.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration and the undertaking affidavit filed by the sister-in-law of the petitioner before this Court that her brother-in-law will not indulge in any such offence in future, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Srirangam, Trichy, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Tamil Nadu Chief Minister's Relief Fund** and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/09/2021

/ 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
SRIRANGAM, TRICHY DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER

IN

CRL OP(MD) No.13019 of 2021

Date :08/09/2021

SA/PN/SAR.3/08.09.2021/3P/7C