



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14233 of 2021

1.Venkadesan
2.Karthikeyan

... Petitioners/Accused Nos.4 & 5

Vs

The State rep.by,
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.391 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Mahaboom Athiff, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.391 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 & A5, who were arrested on 24.08.2021 for the offence under Section 328 I.P.C and Sections 6(a), 6(b), 7(2), 7(5) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.391 of 2021 on the file of the respondent police, seek bail.

2.The allegation as against the petitioners is that they have sold the banned tobacco products near the School premises. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are realizing their mistake and they filed an undertaking affidavit of one C.Kulanthaiah, S/o.Chinnarasu, who is working as a Head Constable in CISF at Dhanbath, Jharkhan State, in which, he has given an assurance that the petitioners will not involve in any other offences in future. The petitioners are bona fide persons and they have also provided a sum of Rs.50,000/- (Rupees fifty thousand only) to the Government Girls Higher Secondary School, Budalur, Thanjavur District for renovation work. The Head Master of the said Government School has also acknowledged the receipt of Rs.50,000/- (Rupees fifty thousand only) which has



been parted by the petitioner for renovation work of the School toilet. He would further submit that the petitioners are in jail from 24.08.2021 and hence, he seeks for grant of bail.

3. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the investigation is yet to be completed. He would further submit that the petitioners are not having any previous cases.

4. Considering the facts and circumstances of the case, the affidavit filed by one C.Kulanthaiah who is working as Head Constable in CISF at Dhanbath, their contribution to the Government School, the fact that they have not involved in any other offences and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

5. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru 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 petitioners shall appear before the respondent police daily at 10.30 a.m until further order.

[c] the petitioners shall not abscond either during trial.

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

[e] 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]**.

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

sd/-
27/09/2021

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

+1 CC to Mr.MAHABOOB ATHIFF, Advocate (SR-6628[I] dated 27/09/2021)

ORDER
IN
CRL OP(MD) No.14233 of 2021
Date :27/09/2021

MSA
MK/VR/SAR.III/27.09.2021/3P/7C