



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

Date : 09/11/2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.16355 of 2021

V.Muthu : Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Fort Police Station,
Tiruchirappalli City,
Tiruchirappalli District.
Crime No.1035 of 2021)

: Respondent/Complainant

For Petitioner : Mr.R.Ilayaraja,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 1035 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 28.09.2021 for the offence punishable under Sections 273, 328 and 6(a), 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Sections 57 and 59 of Food Safety and standards Act, 2006 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.1035 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons illegally transported the banned items like Vimal Betel Nuts, Hans, Cool Lips and on examination, the contraband produced odour and toxication. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and that the investigation is also completed. Hence, he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 28.09.2021, the petitioner and other accused persons illegally transported the banned items.

5.Considering the fact the co-accused A1 and A2 were already released on bail by this Court as well as by the Sessions Court, Thanjavur and also the fact that the property was recovered as stated by the learned Additional Public Prosecutor and also the fact that the petitioner is in judicial custody from 28.09.2021, and that the petitioner is not having any previous case for similar or serious offences, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruchirappalli and on further conditions that;

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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation.

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

iv)the petitioner 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 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].

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

sd/-
09/11/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
FORT POLICE STATION,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-7900[I] dated 09/11/2021)

ORDER

IN

CRL OP(MD) No.16355 of 2021

Date :09/11/2021

DAS

MS/PN/SAR-4/09.11.2021/3P.7C