



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

Date : 24/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18248 of 2021

Arun @ Arunkumar

... Petitioner/Accused No.4

Vs

The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Crime No.677 of 2021.

... Respondent/Complainant

For Petitioner : M/s.R.L.Dhilipan Pandian,
Advocate.

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

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

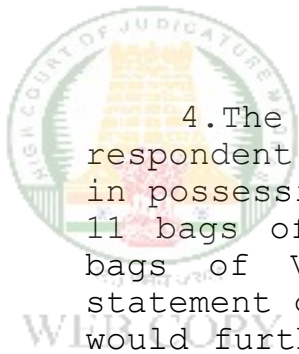
PRAYER :- For Bail in Crime No.677 of 2021 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to
judicial custody on 21.10.2021, for the offence punishable under
Sections 6(a) and 6(b),24(1) of Cigarette and Other Tobacco Products
Act, 2003, in Crime No.677 of 2021, on the file respondent police,
seeks bail.

2.The case of the prosecution is that the petitioner and the
other accused persons were found in possession of 300 kg of tobacco
products, worth about Rs.6 lakhs, 11 bags of Pockets (600 Pockets),
worth about Rs.5,200/-and two bags of Vimal (150 Pockets). Hence the
complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent person and the name of the present petitioner
is shown to be added based upon the confession statement of the
first accused. He would further submit that A2 was already released
on bail and the petitioner is in judicial custody from 21.10.2021.
Hence, he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 21.10.2021, the accused were found in possession of 300 kg of tobacco products, worth about Rs.6 lakhs, 11 bags of Pockets (600 Pockets), worth about Rs.5,200/-and two bags of Vimal (150 Pockets). On the basis of the confession statement given by A1, A3 & A4 have been implicated in this case. He would further submit that the petitioner is having 3 previous cases similar in nature and one case was disposed of and A2 was already released on bail.

5.Considering the facts and circumstances of the case and considering the fact that the co-accused A2 was already released on bail, that the property was recovered as stated by the learned Additional Public Prosecutor and that the petitioner is in judicial custody from 21.10.2021, 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.II, Thanjavur District, 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 pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172). The petitioner shall execute the sureties on showing the receipt of the said amount.

iii)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.

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

v)the petitioner shall not abscond during trial.

vi)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].



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

sd/-
24/11/2021

/ TRUE COPY /

WEB 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 NO.II,
THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

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

ORDER
IN
CRL OP(MD) No.18248 of 2021
Date :24/11/2021

DSS
MS/VR/SAR-3/24.11.2021/3P.7C