



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

Date : 17.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3393 of 2022

1. Manikandan
2. Subburaj
3. Sakthimurugan
4. Prakash

... Petitioners/Accused 1 to 4

Vs

State represented by
The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
(Crime No.57 of 2022)

... Respondent/Complainant

For Petitioners : Mr.A.S.Vaigunth,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.57 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

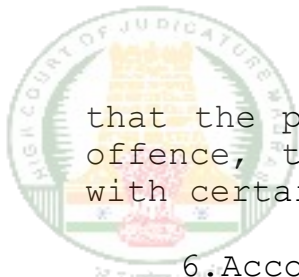
The petitioners/accused, who were arrested and remanded to judicial custody on 29.01.2022 for the offences punishable under Section 328 IPC and Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.57 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of tobacco worth about Rs.4,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the property has been recovered.

5.Considering the nature of charges levelled against the petitioners and also the facts that the property has been recovered, that the petitioners are in judicial custody from 29.01.2022 and



that the petitioners are not having any previous cases for similar offence, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of **Rs.5,000/- (Rupees Five Thousand Only)** each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District, on condition that the petitioners shall execute 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 Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

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

[e] 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]**.

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

sd/-

17/02/2022

/ TRUE COPY /

17/02/2022

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.II,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
 - 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR DISTRICT.
 - 5 THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-1228[I] dated 17/02/2022)

ORDER
IN
CRL OP(MD) No.3393 of 2022
Date :17/02/2022

RS/VR/SAR.3(17.02.2022) 3P-7C