



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

Date : 20/04/2022

PRESENT

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

CRL OP(MD). No.6824 of 2022

WEB COPY

1. Raja

2. Kannan

... Petitioners/Accused 2 & A3

Vs

State Rep.by

The Inspector of Police,

Rajapalayam North Police Station,

Virudhunagar District.

Cr.No.56 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Thalaimuthuarasu G,  
Advocate.

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

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

**PRAYER :-**

For Bail in Crime No.56 of 2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 17.03.2022 for the offences punishable under Section 328 IPC and Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.56 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of 995kgs of banned tobacco products worth about Rs.16,22,900/- and cash Rs.6,800/- along with the vehicle. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that the property has been recovered and that the petitioners are having no previous case.



5.Considering the nature of the charges levelled against the petitioners and also the facts that the property has been recovered and that the petitioners are in judicial custody from 17.03.2022, this Court is inclined to grant bail to the petitioners with certain conditions.

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6.Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each 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) without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District.

7.On such deposit, the petitioners are ordered to be released on bail 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 Judicial Magistrate, Rajapalayam, Virudhunagar District, and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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., until further orders;

(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]***; and;

(f)if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

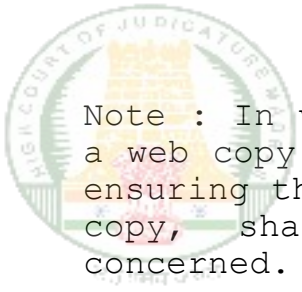
sd/-

20/04/2022

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20/04/2022

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**

1 THE JUDICIAL MAGISTRATE,  
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,  
SUB JAIL, SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE  
RAJAPALAYAM NORTH POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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

6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate ( SR-3539[I] dated  
20/04/2022 )

ORDER

IN

CRL OP(MD) No.6824 of 2022

Date :20/04/2022

RS/PN/SAR.4 (20.04.2022) 3P-8C