



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7382 of 2022

1. Sokkalingam
2. Chanthiran

... Petitioners/ Accused Nos.1 & 3

Vs

State represented by
The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
(Crime No.94 of 2022)

... Respondent/ Complainant

For Petitioners : Mr.C.Saravanakumar,
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.94 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.3, who were arrested and remanded to judicial custody on 08.04.2022 for the offences punishable under Sections 273 and 328 IPC and Sections 7(1) and 20(2) of COTPA Act, 2003, in Crime No.94 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 possession of banned tobacco products. 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 property has been recovered and that the petitioners are having one previous case similar in nature.

5.Considering the nature of the charges levelled against the petitioners and also the facts that property has been recovered and that except the one previous case for similar offence, the petitioners are not having any other previous cases for serious offence, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 Court, Shencottai.

7.On production of such receipt/acknowledgment, the petitioners are ordered 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 Court, Shencottai.

(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 petitioners 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 petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 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]***.

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

sd/-

21/04/2022

/ TRUE COPY /

21/04/2022

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.

TO

- 1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION, TENKASI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1. C.C. to Mr.C.SARAVANAKUMAR, Advocate SR.No.20336.

ORDER
IN
CRL OP(MD) No.7382 of 2022
Date :21/04/2022

CSM
MK/VR/SAR.I/21.04.2022/3P/8C