



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 11/05/2022

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**  
CRL OP(MD) . No.8951 of 2022

WEB COPY

Murali

... Petitioner/Accused No.2

Vs

The State Rep. By,  
The Inspector of Police,  
Melur Police Station,  
Madurai District.  
(Crime No. 203 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Arun.A.V.,  
Advocate.

For Respondent : Mr.A.Albert James,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.203 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 23.04.2022 for the offences punishable under Sections 7 (1) and 24(1) of COTPA Act, 2003 and Section 328 of IPC, in Crime No.203 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 23 bundles of banned tobacco products. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner is ready to deposit any amount to the Government school for the welfare of the students without prejudice to his contentions.

4.The learned Government Advocate (Crl. side) would submit that the property has been recovered and no previous case is pending against the petitioner.



5.Considering the nature of the case and considering the period of incarceration and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner with a condition that the petitioner shall take a demand draft for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and hand over the same to the Head Master, Government Modern Girls Higher Secondary School, Melur Main Road, Otthakadai, Madurai for the purpose of providing napkin vending machine in the said school.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, and on further condition that:

(a)the petitioner is directed to take D.D for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and hand over the same to the Head Master, Government Modern Girls Higher Secondary School, Melur Main Road, Otthakadai, Madurai for the purpose of providing napkin vending machine in the said school and thereafter, sureties shall be accepted;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
11/05/2022

/ TRUE COPY /

11/05/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

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

COPY TO :

THE HEAD MASTER,  
GOVERNMENT MODERN GIRLS HIGHER SECONDARY SCHOOL,  
MELUR MAIN ROAD, OTHAKADAI,  
MADURAI.

ORDER

IN

CRL OP(MD) No.8951 of 2022

Date :11/05/2022

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USK/PN/SAR-IV/11.05.2022/3P/7C