



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.06.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10219 of 2022

1. Bakrutheen Ali
2. Abdul Rahuman

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Vathalai Police Station,
Vathalai, Trichy,
Trichy District.
(Crime No.100 of 2022)

... Respondent/Complainant

For Petitioners : Mr.R.Sakthivel,
Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl. side).

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

PRAYER :-

For Bail in Crime No.100 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who were arrested and remanded to judicial custody on 20.05.2022 for the offences punishable under Section 328 IPC r/w Sections 6 and 24(1) of COTPA Act, 2003, in Crime No.100 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners had illegally transported the banned cigarette and other tobacco products through car. 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 Government Advocate (Criminal Side) would submit that property has been recovered and that the petitioners are not having any previous cases.

5.Considering the nature of the charges levelled against the petitioners and also the facts that property has been recovered and that the petitioners are not having any previous cases for similar offence or 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.25,000/- (Rupees Twenty Five 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 at Musiri, Trichy.

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 at Musiri, Trichy.

(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/-

10/06/2022

/ TRUE COPY /

10/06/2022

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,
MUSIRI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
VATHALAI POLICE STATION,
VATHALAI, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 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.SAKTHIVEL R, Advocate (SR-5377[I] dated 10/06/2022)

ORDER
IN
CRL OP(MD) No.10219 of 2022
Date :10/06/2022

RS/VR/SAR.3 (10.06.2022) 3P-8C