



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . Nos.17306 and 17312 of 2022

WEB COPY

Thangaraja

... Petitioner/Accused No.2
in Crl.O.P. (MD) .17306/2022

Arumuga Nainar

... Petitioner/Accused No.3
in Crl.O.P. (MD) .17312/2022

Vs

State Rep.by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.351/2022).

... Respondent/Complainant
in both petitions

For Petitioner
in Crl.OP (MD) .17306/2022

: M/s.Micheal Heldon Kumar.S, Advocate.

For Petitioner
in Crl.OP (MD) .17312/2022

: Mr.R.Anand, Advocate.

For Respondent
in both petitions

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

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

COMMON PRAYER :-

For Bail in Crime No.351/2022 on the file of the respondent police.

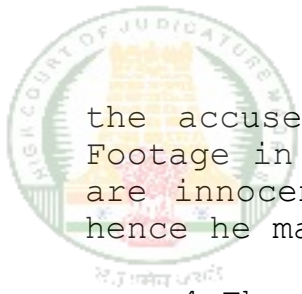
COMMON ORDER : The Court made the following order :-

The petitioners/A2 & A3, who were arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 294(B), 353, 328 and 506(II) IPC r/w Section 24(1) of Cigarettes and Other Tobacco Products Act, 2003 in crime No.351 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 162kgs of banned tobacco products. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is a put up case and the respondent police has directly taken

<https://www.mhc.tn.gov.in/judis>



the accused from the petty shop and he has also produce [V Footage in that regard. He would further submit that the petitioners are innocents and they are in judicial custody from 17.09.2022 and hence he may be granted bail.

4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the banned tobacco products were recovered from the petitioners' shop and the investigation is pending. He would further submit that the petitioners are having two previous cases.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

(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., until further orders;

(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/-

28/09/2022

/ TRUE COPY /

28/09/2022

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, VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL JAIL, TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.

5 THE INSPECTOR OF POLICE, PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.MICHEAL HELDON KUMAR, Advocate (SR-10623[I] dated
28/09/2022)

+1 CC to M/s.R.ANAND, Advocate (SR-10670[I] dated 28/09/2022)

ORDER IN

CRL OP(MD). Nos.17306 & 17312 of 2022

Date :28/09/2022

SJI

RS/VR/SAR.3(28.09.2022) 3P-9C