



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 06/10/2022

PRESENT

**The Hon`ble Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD). No.17734 of 2022

WEB COPY

1.Sathishkumar  
2.Rajivgandhi @ Raja

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by  
The Inspector of Police,  
Devakottai Town Police Station,  
Devakottai,  
Sivagangai District.  
(Crime No.222 of 2022).

... Respondent/Complainant

For Petitioners : M/s.N.Pragalathan, Advocate.  
For Respondent : Mr.K.Sanjiv Gandhi,  
Government Advocate (Crl. Side)

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

PRAYER :-

For Bail in Crime No.222 of 2022 on the file of the respondent police.

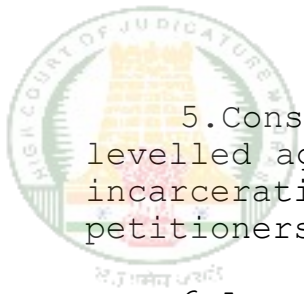
ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3, who were arrested and remanded to judicial custody on 15.09.2022 for the offences punishable under Sections 272, 273 and 328 of IPC and Section 24 (1) of the Cigarette and other Tobacco Products Act, 2003 and Section 57 of the Food Safety and Standards Act, 2006, in Crime No.222 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were transported the Government banned tobacco products. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. 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 Government Advocate (Crl. Side) appearing for the respondent police would submit that no previous case is pending against A2 and A3 is having one previous case and they are in custody for a period of 18 days.



5. Considering the above and also the nature of the charges levelled against the petitioners and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Devakottai, Sivagangai District, and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Karthika Public Educational and Charitable Trust, SB Account No.497663303, Indian Bank, Mayiladurai, Branch Code-00165, IFSC Code: IDIB000M023, without prejudice to their rights and contentions before the trial Court. The petitioners shall execute the sureties on showing the receipt of the said amount.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.  
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.

sd/-

06/10/2022

/ TRUE COPY /

06/10/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DEVKOTTAI TOWN POLICE STATION,  
DEVAKOTTAI, SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 5 THE OFFICER INCHARGE,  
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST, MAYILADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate ( SR-10949[I] dated  
06/10/2022 )

ORDER

IN

CRL OP(MD) No.17734 of 2022

Date :06/10/2022

gbg/pnn

RS/SVR/SAR.4(06.10.2022) 3P-8C