



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.17920 of 2022

WEB COPY

1.Subhas Chandr

2.Rajesh Kumar Chauhan

... Petitioners/Accused No.1 & 2

Vs

State Rep.by

The Sub Inspector of Police,

Manamadurai Police Station,

Sivagangai District.

(Crime No.278 of 2022).

... Respondent/Complainant

For Petitioners : M/s.A.Balaji, Advocate.

For Respondent : Mr.Sanjai Gandhi,
Government Advocate (Crl. Side)

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

PRAYER :-

For Bail in Crime No.278 of 2022 on the file of the respondent police.

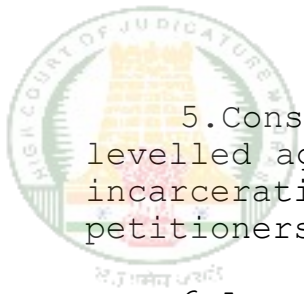
ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who were arrested and remanded to judicial custody on 03.09.2022 for the offences punishable under Sections 273 and 328 of IPC, in Crime No.278 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 103 packets of Kamala Pasand (pan masala), 92 packets of Vimal (pan masala), 57 packets of Shudh Plus (pan masala) and 651 packets of Chewing Tobacco. 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 the petitioners and he further submit that the petitioners are in custody for a period of 33 days.



5. Considering the above and also the nature of the case 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, Manamadurai, 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.15,000/- (Rupees Fifteen Thousand only) each to the credit of Aram Seya Virumbu, Bank Name: Tamil Nadu Mercantile Bank, Branch: Ambasamudram, Account Number: 423150050800264, IFSC Code: TMBL0000423, 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 four 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]**.

sd/-

06/10/2022

/ TRUE COPY /

06/10/2022

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, MANAMADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE, MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE SUB JAIL, SIVAGANGAI.
- 5 THE OFFICER INCHARGE, ARAM SEYA VIRUMBU, AMBASAMUDRAM.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17920 of 2022
Date :06/10/2022

pnn/gbg
RS/SVR/SAR.4(06.10.2022) 3P-7C