



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19595 of 2022

1. Kannan
2. Velmurugan

... Petitioners/Accused 1 & 2

Vs

The State Rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District
(Crime No.344 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sivakumar S,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.344 of 2022 on the file of the Respondent Police.

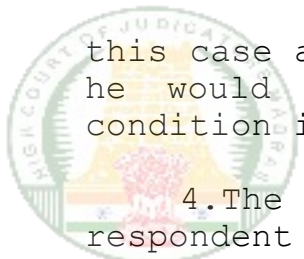
ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 20.10.2022 for the offences punishable under Sections 294(b) and 506(ii) IPC, Sections 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.344 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 26.10.2022, when the de-facto complainant along with his brother came in a bike at Vinaitheerthanadarpatti, the accused persons were distributed banned tobacco to the 14 years old boy and the same was questioned by the de-facto complainant, the accused abused them in filthy language and attacked them with hands and threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in

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



this case and they are in judicial custody from 20.10.2022. he would further submit that the petitioners shall abide by the condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners were found in illegal possession of 105kgs of banned tobacco products for selling the same to the minor boy and the respondent police have seized two pouches of banned tobacco from the accused. He would further submit that the petitioners are having no previous case and the investigation in this case is not yet completed. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioners are not having any previous case and the petitioners are in judicial custody from 20.10.2022, this Court is inclined to grant bail to the petitioners subject to the following 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, Tenkasi.

(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 are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders; and the second petitioner shall report before the respondent police 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 Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SC 1511].



sd/-
07/11/2022

/ TRUE COPY /

07/11/2022

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

WEB COPY

TO

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

COPY TO
THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-12506[I] dated 07/11/2022)

ORDER
IN
CRL OP(MD) No.19595 of 2022
Date :07/11/2022

SJI
MK(07.11.2022) 3P 8C