



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21887 of 2022

1. Selvakumar

2. Venkatesh

3. Sivakumar

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,

Thiruvidaimaruthur Police Station,

Thanjavur District

(Crime No.985 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

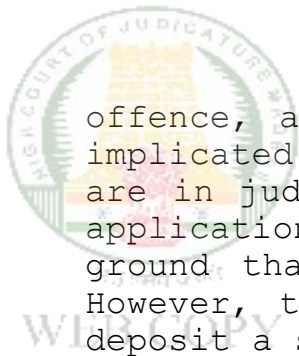
For Bail in Cr No.985/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 08.10.2022, for the offences punishable under Sections 328 of I.P.C and Sections 5, 20(1), 22(a), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.985 of 2022, seek bail.

2.The case of the prosecution is that on 07.10.2022, the accused persons were found in illegal possession of 137 kgs of banned tobacco products. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and have not committed any



offence, as alleged by the prosecution and they have been implicated in this case. He further submitted that the petitioners are in judicial custody from 08.10.2022 and this is the third bail application and the earlier applications were dismissed on the ground that the alleged quantity involved in this case is huge. However, to show their *bona fide*, the petitioners are prepared to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the Government for any welfare purpose, without prejudice to their rights. Hence, prays for bail.

4.The learned Additional Public Prosecutor would submit that this is a case, where initially 137 kgs were recovered from the accused persons and thereafter, their Godown, which contains 10 tones of tobacco products was also sealed. Hence, prays to dismiss the petition.

5.Heard both sides. Taking into consideration the facts and circumstances of the case and also their readiness to deposit amount to the Government for any welfare purpose, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, the petitioners shall made a donation/non-refundable deposit a sum of **Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each to the credit of the Dean, Medical College Hospital, Thanjavur**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

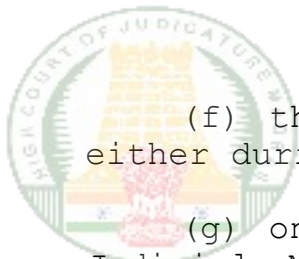
7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;



(f) the petitioners shall not tamper with evidence or either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/12/2022

/ TRUE COPY /

12/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT
- 4 THE OFFICER INCHARGE
SUB JAIL, THIRUVIDAIMARUTHUR,
THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN,
MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

+1 CC to M/s.ROBINSON.A, Advocate (SR-14672[I] dated 12/12/2022)

ORDER
IN
CRL OP(MD) No.21887 of 2022
Date :12/12/2022

PNM

<https://www.pnm.in/> /12.12.2022/3P/8C