



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21911 of 2022

1. Murugan
2. Iyyappan

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
Cr.No.373/2022.

... Respondent/Complainant

For Petitioners : M/s. Susi Kumar.C,
Advocate

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

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

PRAYER :-

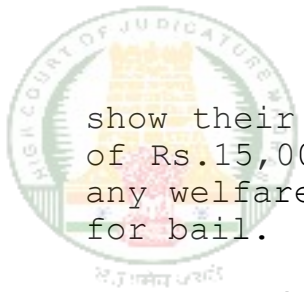
For Bail in Cr.No.373/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 04.12.2022, for the offences punishable under Sections 328 of I.P.C and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 r/w 77 of Juvenile Justice Act, 2015, in Crime No.373 of 2022, seek bail.

2.The case of the prosecution is that on 04.12.2022, the accused persons were found in illegal possession of banned tobacco products, to the value of Rs.26,000/-. 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 falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 04.12.2022. However, to



show their *bona fide*, the petitioners are prepared to deposit a sum of Rs.15,000/- (Rupees Fifteen 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 though the petitioners are not having any bad antecedent, they are found in possession of banned tobacco products. 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 of a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of the Dean, Medical College Hospital, Tirunelveli**, 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 **Judicial Magistrate, Radhapuram** 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;

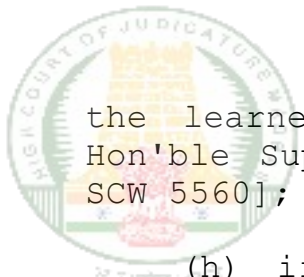
(c) the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

(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 witness 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 in 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/-

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

TO

1. THE JUDICIAL MAGISTRATE, RADHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE DEAN,
MEDICAL COLLEGE HOSPITAL,
TIRUNELVELI.

ORDER

IN

CRL OP(MD) No.21911 of 2022

Date :12/12/2022

pnm

USK/VR/SAR- /12.12.2022/3P/7C