



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

Date : 19/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22375 of 2022

Sivakumar

... Petitioner/Accused No.4

Vs

The State Rep. By,
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
Crime No.260/2022.

... Respondent/Complainant

For Petitioner : M/s. Radhakrishnan.G,
Advocate.

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

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

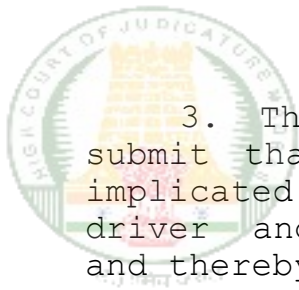
PRAYER :-

For Bail in Cr No.260/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 30.11.2022 for the offence punishable under Sections 328 IPC and 6 and 24(1) of COTPA Act in Crime No.260 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving specific information the defacto complainant was conducting the vehicle check up and he had stopped the Eicher Closure Type vehicle bearing Regn.No.TN 43 B 1199 and at that time, the another Maruthi Swift desire Car bearing Regn.No. TN 05 CB 2927 had come behind and on seeing the police, the driver had ran away and thereafter, they had searched Eicher Closure Type vehicle. The accused had confessed that he along with other accused had involved in illicit transportation of banned tobacco tobacco products worth about Rs.11,91,690/-. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that he is only a driver and there is no previous case pending against the petitioner and thereby, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that though there is no previous against the petitioner and in this case the main accused are yet to be arrested and that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that he is only a driver and he is neither the owner of the vehicle nor the contraband and that without prejudice to his defence the petitioner is ready to deposit a sum of Rs.1,50,000/- to the credit of any one of the welfare scheme.

6. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is not having previous case and that he is in judicial custody from 30.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, and on further conditions that:

(b) petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) as non refundable deposit to the credit of the Dean / Medical Officer, Thirunelveli Medical College Hospital, Thirunelveli, without prejudice to his rights and contentions before the trial Court.

(c) 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;

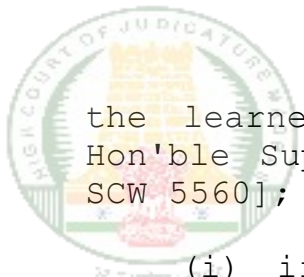
(d) the petitioner shall appear before the respondent police daily at 10.30 am for a period of four weeks and thereafter, once in a week i.e., on every Saturday at 10.30 am until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

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

sd/-
19/12/2022

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/12/2022

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

TO

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

COPY TO :
THE DEAN/MEDICAL OFFICER,
TIRUNELVELI MEDICAL COLLEGE HOSPITAL,
TIRUNELVELI.

+1 C.C. TO M/S.G.RADHAKRISHNAN, Advocate, S.R.No.15186 (I), DATED : 20.12.2022.

ORDER
IN
CRL OP(MD) No.22375 of 2022
Date :19/12/2022

trp
USK/VR/SAR-II/20.12.2022/3P/7C