



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

Date : 05/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.174 of 2023

Arunkumar

... Petitioner/Accused No.5

Vs

The State Rep. by,
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.234 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunanithi,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.234 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 01.12.2022 for the offence punishable under Sections 272, 273 and 328 IPC and Sections 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.234 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of banned tobacco products worth about Rs.1,31,700/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and without knowing the contents, he had accompanied with the other accused. He would further submit that the petitioner has no previous case pending against him and without prejudice to his defence, he is ready and willing to deposit Rs.50,000/- (Rupees Fifty Thousand only) to any welfare scheme conducted by the Government.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.1,31,700/-. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(*)7.Accordingly, the petitioner shall make a donation/non-refundable deposit of a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Dean, Government Rajaji Medical College Hospital, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

8.On production of such receipt/acknowledgement, 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, Vadipatti, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

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

(f) 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 or 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];

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

sd/-

05/01/2023

**(*) (Modified as per order of this
Hon'ble Court in CRL OP(MD).174 of 2023
dated 06.01.2023)**

/ TRUE COPY /

06/01/2023

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

SJI

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 05.01.2023

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

COPY TO :

THE DEAN,
GOVERNMENT RAJAJI MEDICAL COLLEGE HOSPITAL,
MADURAI.

+1 CC to M/s.KARUNANITHI, Advocate (SR-169[I] dated 05/01/2023)

ORDER IN

CRL OP(MD) No.174 of 2023

Date :05/01/2023

USK/VR/SAR- /05.01.2023/3P/8C

RS/VR/SAR. (06.01.2023) 3C-8C