



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

Date : 10/01/2023

PRESENT

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

CRL OP(MD). No.559 of 2023

1. M.Sarathkumar
2. Vigneshwaran
3. Vinothkannan

... Petitioners/Accused Nos.1,3&4

Vs.

State rep. by
The Inspector of Police,
Natchiyapuram Police Station,
Sivagangai District.
(Crime No. 82 of 2022).

... Respondent/Complainant

For Petitioners : Mr.S.M.Sanjay
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. 82 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4, who were arrested and remanded to judicial custody on 27.12.2022 for the offence punishable under Sections 272, 273, 328 I.P.C and Section 24(1) of COTP Act, 2003 in Crime No.82 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused were found to be in illegal possession of Tobacco products worth Rs.14,10,000/- in two vehicles. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the third petitioner is the owner of the vehicle and the first and second petitioners are the drivers. He would further submit that the petitioners are in judicial custody from 27.12.2022 and seek bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit it is a case where huge contraband of tobacco products worth Rs.14,10,000/- were seized from two vehicles namely, TATA TIAGO and Bolero PICK UP bearing registration Nos. TN-63-BW-8087 and TN-63-BM-8712 respectively. The learned Additional Public Prosecutor would further submit that the first and third petitioners are having no previous case and the second petitioner is having 6 previous cases. Hence, he opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submits that he is not pressing this application with regard to the second petitioner. He would also submit that the first petitioner is ready and willing to deposit Rs.1,00,000/- (Rupees One Lakh Only) and the third petitioner is ready and willing to deposit Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) to the account of the Head Master, Government Middle School, Karikudi Village, Veerai Panchayat, Devakottai Union, Sivagangai District.

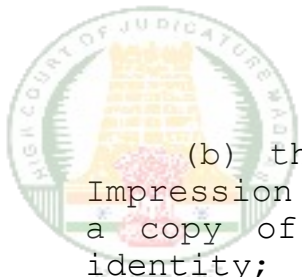
6. Heard. Perused the materials available on record.

7. This petition with regard to the second petitioner is dismissed as not pressed.

8. Taking into consideration of the facts and submissions made on either side and considering the fact that the petitioners are undergoing incarceration from 27.12.2022, this Court is inclined to grant bail to the first and third petitioners subject to the following conditions:

(a) the first petitioner shall deposit Rs.1,00,000/- (Rupees One Lakh Only) and the third petitioner shall deposit Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) to the account of the Head Master, Government Middle School, Karikudi Village, Veerai Panchayat, Devakottai Union, Sivagangai District. The amounts shall be used for the purchase of furniture for the school. The Head Master shall furnish a list of furniture and photographs of the furniture purchased to the respondent police within a period of two weeks from today;

[b]the proof for payment shall be produced before the concerned court at the time of furnishing sureties. On production of such receipt/acknowledgement, the first and third 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, Thiruppathur, 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;

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(c) the first and third petitioners shall appear before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m, until further orders;

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

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

(f) the first and third 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 first and third petitioners in accordance with law as if the conditions have been imposed and the first and third 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/-

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10/01/2023

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

CM

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, THIRUPPATHUR.



4. THE INSPECTOR OF POLICE,
NATCHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE HEAD MASTER,
GOVERNMENT MIDDLE SCHOOL,
KARIKUDI VILLAGE, VEERAI PANCHAYAT,
DEVAKOTTAI UNION, SIVAGANGAI DISTRICT.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-473[I] dated 10/01/2023)

ORDER
IN
CRL OP(MD) No.559 of 2023
Date :10/01/2023

USK/VR/SAR- /10.01.2023/4P/8C