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CRL OP(MD).



23

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

Date : 02/02/2023

PRESENT

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

CRL OP(MD) . No.2102 of 2023

Vigneshwaran

... Petitioner/Accused No.3

Vs

The state rep.by
The Inspector of Police,
Natchiyarpuram Police Station,
Sivagangai District.
Crime No.82 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sanjay S.M.,
Advocate.

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

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

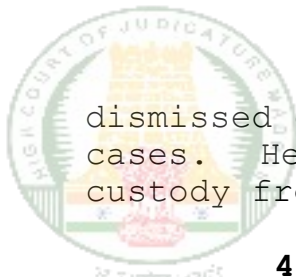
PRAYER :-For Bail in Crime No.82 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was 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 Cigarette and other Tobacco Products Act, 2003 in Crime No.82 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner 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 petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused in this case were granted bail by this Court in Crl.O.P(MD) No.559 of 2023 on 10.01.2023. He would further submit that this is the second application for bail and the earlier petition for bail was



dismissed on the ground that the petitioner is having eight cases. He would further submit that the petitioner is in judicial custody from 27.12.2022, hence he seeks 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, hence, he opposed for grant of bail to the petitioner. He would further submit that eight similar previous cases are pending against the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner without prejudice to his rights and contentions is ready and willing to deposit a sum of Rs.1,50,000/- to the account of the Head Master, Elangudi Panchayat Middle School, Devakottai Union, Sivagangai District for the welfare of the students.

6. Heard. Perused the materials available on record.

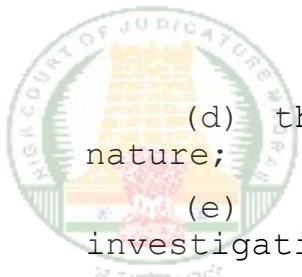
7. Taking into consideration of the facts and submissions made on either side and also taking into consideration the period of incarceration and also taking note of the fact that co-accused persons were granted bail by this Court and also the voluntarily offer made by the petitioner this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit Rs.1,50,000/- (Rupees One Lakh and fifty thousand Only) to the account of the Head Master, Elangudi Panchayat Middle School, Devakottai Union, Sivagangai District. The amount shall be used for maintaining the school. The Head Master shall furnish works done 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 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, 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;

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

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

(f) the petitioner 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 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];

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

sd/-

02/02/2023

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02/02/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.
- 2 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,
ELANGUDI PANCHAYAT MIDDLE SCHOOL,
DEVAKOTTAI UNION, SIVAGANGAI DISTRICT.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-1644[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.2102 of 2023

Date :02/02/2023

AAV

MK/SSS/SAR (02.02.2023) 3P 8C

<https://www.mhc.tn.gov.in/judis>