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CRL OP(MD).



23

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

Date : 26/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7781 of 2023

1. Kathiravan

2. Vellaichamy

... Petitioners/Accused No.4&5

Vs

The State rep.by,
The Inspector of Police,
Tallakulam Police Station,
Madurai City.
Crime No.343/2023.

... Respondent/Complainant

For Petitioners : M/s.Balamurugam.R,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.343/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A4 and A5 who were arrested and remanded to judicial custody on 08.04.2023 for the offences under sections 328 of IPC and section 6(b)r/w.24(i) of Cigarette and other Tobacco Products Act,2003 in Crime No.343 of 2023 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 in illegal possession of banned tobacco products weighing 820kgs worth about Rs.16,00,000/-, hence the case.



3. Heard. Perused the materials available on record the First Information Report.

4. It is seen that there are totally seven accused in this case and the petitioners herein are arrayed as A4 and A5. As per the confession statement of co-accused these petitioners have been implicated as an accused. Even according to the confession the petitioners herein are only distributors and only from A1 and A2 the contraband has been recovered which is worth about Rs.16lakhs. Further there is no previous case pending against the petitioners. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.II, Madurai and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall make a non refundable deposit for a sum of Rs.1,00,000/- (Rupees One lakh only) each to the credit of **Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. Further the petitioners shall also file an undertaking affidavit before the trial Court that they will not indulge in similar type of activities again.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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 by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[g] If the accused thereafter absconds, 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.

AAV

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE OFFICER IN CHARGE,
SUB JAIL, THENI.
- 4 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE GOVERNMENT OF TAMIL NADU,
CMPRF IN IOB, SECRETARIAT BRANCH,
CHENNAI-9

+1 CC to M/s.BALAMURUGAM.R, Advocate (SR-6584[I] dated 26/04/2023)

ORDER

IN

CRL OP(MD) No.7781 of 2023

Date :26/04/2023

RK/VR/SAR-(26/04/2023) 3P/8C