



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD). No.8684 of 2023

1. Thangaraj,

2. Rajesh,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by

The Inspector of Police,

Pattukottai Police Station,

Thanjavur District.

Crime No.306 of 2023.

... Respondent/Complainant

For Petitioner : M/s. Dhilipan Pandian.R.L,Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No.306 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 05.04.2023 for the offences under Sections 24(1) of Cigarettes and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice Act, 2015 in Crime No.306 of 2023 on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of banned tobacco products. Hence the case.

3.Heard. Perused the materials available on record including the First Information Report. It is reported that the petitioners have no previous case for similar offence.



4. Taking into consideration of 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, Pattukottai, Thanjavur District, 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 jointly deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the credit of **Cancer Institute (WIA), No.38, Sardar Patel Road, Adayar, Chennai - 20** and shall produce the bank challan before the concerned Magistrate at the time of executing the bond along with surety affidavits.

[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 are 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/05/2023

/ TRUE COPY /

10/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3 THE OFFICER INCHARGE
SUB JAIL, THANAJVUR.

4 THE INSPECTOR OF POLICE
PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE OFFICER INCHARGE
CANCER INSTITUTE (WIA) ,
NO.38, SARDAR PATEL ROAD,
ADAYAR, CHENNAI -20.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-7260[I] dated
10/05/2023)

ORDER
IN
CRL OP (MD) No.8684 of 2023
Date :10/05/2023

PKP/VR/SAR- /10.05.2023/ **3P/8C**