



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/06/2023
PRESENT

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

CRL OP(MD) . No.9375 of 2023

1. Elayaraja,

2. Maniraj,

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Samayapuram Police Station,
Tiruchirappalli District.
Crime No.154 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Gandhi M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.154 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 08.05.2023 for the offences under sections 273, 328 of IPC r/w Section 24(1) of COTPA Act and Section 77 of Juvenile Justice Act, 2015, in Crime No.154 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 prohibited products, hence the case.

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

4. 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.III, Tiruchirapalli, 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] **each** petitioner shall make a non refundable deposit for a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC.CODE:IDIB000H040 Branch High Court, Madurai,** 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., until further orders.

[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.

[i] the petitioners shall file undertaking affidavit before the trial Court that they will not indulge in similar types of offences again. If the petitioners fail to comply with the said undertaking the respondent is at liberty to secure the petitioners and proceed in accordance with law.

sd/-

05/06/2023

/ TRUE COPY /

05/06/2023

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



DSS

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUCHIRAPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.M.GANDHI, Advocate SR.No.8065

ORDER

IN

CRL OP(MD) No.9375 of 2023

Date :05/06/2023

SA/VR/SAR. /05.06.2023/3P/8C