



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.9432 of 2023

1. Mahipal Singh,

2. Hamir Singh, ... Petitioners/Accused 3&4

Vs

The State Rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
Crime No.154 of 2023..

... Respondent/Complainant

For Petitioner : M/s.John Vincent.A,
Advocate.

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

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

PRAYER :-

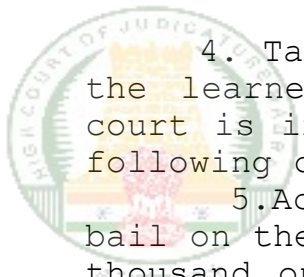
For Bail in Crime No.154 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A3 and A4 who were arrested and remanded to judicial custody on 07.05.2023 for the offences under sections 273, 328 of IPC, 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) 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.





4. Taking into consideration the facts and submissions 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.3, Trichy, 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 /

/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.3 TRICHY.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TRICHY
DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY..

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

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

Copy to:

The Officer in Charge,
Madurai Bench High Court Advocates Association, Madurai.

+1CC to M/s.A.John Vincent, Advocate (SR.NO.8229)

ORDER

IN

CRL OP (MD) No.9432 of 2023

Date : 05/06/2023

MGJ(05.06.2023) 3P 8C