



CRL OP(MD)No.21107 of 2023

WEB COPY

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

Date : 23.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21107 of 2023

1.Shajahan

2.Shamsudeen

... Petitioners / Accused No.1 and 2

Vs

The Sub Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanyakumari District.
(Crime No.285 of 2023)

... Respondent / Complainant

For Petitioners : Mr.N.Pragalathan, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime no.285 of 2023 on the file of the Respondent Police.



CRL OP(MD)No.21107 of 2023

ORDER: The Court made the following order :-

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 13.11.2023 for the alleged offence punishable under Section 328 IPC and Sections 24(1), 6(a) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.285 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 13.11.2023, at about 12.00 noon, when the police party conducted vehicle check up, they found the accused persons illegally transported tobacco products weighing about 110.82 kgs in a car. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 13.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that no previous case is pending as against the petitioners.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in



CRL OP(MD)No.21107 of 2023

(2012)1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 the learned Judicial Magistrate, Boothapandi, Kanniyakumari District and on further conditions that: every

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioners shall appear before the trial Court on first working day of every month at 10.30 am., until further orders.

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners shall not abscond during trial.

vi) 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].



CRL OP(MD)No.21107 of 2023

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/11/2023

/ TRUE COPY /

23/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate,
Boothapandi, Kanniyakumari District.

2.Do through the Chief Judicial Magistrate,
kanniyakumari District at Nagercoil.

3.The Sub Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.

4.The Officer Incharge,
District Jail,
Nagercoil, Kanniyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-16794[I] dated 23/11/2023)



WEB COPY



CRL OP(MD)No.21107 of 2023

ORDER

IN

CRL OP(MD) No.21107 of 2023

Date :23/11/2023

ED/ /SAR- (23/11/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023