



CRL OP(MD). No.329 of 2024

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

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Dinesh

... Petitioner / Accused No.4

Vs

The Inspector of Police,
Vallam Police Station,
Thanjavur District,
(Crime No.608/2023.)

... Respondent/Complainant

For Petitioner : N.Ananda Kumar, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.608/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.12.2023 for the offence punishable under Sections 328, 5, 7(1), 24(1) of Cigarette and other Tobacco Products Act, 2003, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.608 of 2023, on the file of the



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respondent Police, seeks bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 250 bundles of bans pockets and 285 bundles of cool-lips banned tobacco products. Thereby, he was arrested and remanded to judicial custody. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. The petitioner did not commit any allegations as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 20.12.2023. Further, on his own volition, the petitioner undertake to construct a toilet to the (*)**Government Boys Higher Secondary School, Keeranur, Pudukkottai District.** Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet completed. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsels on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further conditions that:

(a) Since the petitioner on his own volition, undertakes to construct a toilet to the **(*)Government Boys Higher Secondary School, Keeranur, Pudukkottai District**, he is directed to construct a toilet to the said school, within a period of **six weeks** from the date of receipt of copy of this order. The Head Master of the said school shall co-operate with the petitioner for construction of toilet for the benefit of girls students. After construction of toilet, an appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School. Further, the petitioner shall file a photograph before this Court, after construction of toilet to the said school.

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m, until further orders;



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(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

(*)Corrected as per the order of this Hon'ble Court dated 29/01/2024 in CRL OP(MD)No.329 of 2024.

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/01/2024

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

SSB



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To

To be substituted with the order dated 10/01/2024 already despatched

1.The Judicial Magistrate No.II, Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

4.The Superintendent,
Central Prison, Trichy.

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

Copy to:

1 The Headmaster,
Karuvakurichi Panchayat Union School,
Mannargudi Taluk,
Thanjavur District.

2 The Headmaster,
Government Boys Higher Secondary School,
Keeranur, Pudukkottai District

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-480[I] dated 10/01/2024)

ORDER

IN

CRL OP(MD) No.329 of 2024

Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 8C

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SS/SAR- /31/01/2024/5P/9C

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