



CRL OP(MD). No.318 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Gomathinayagam

... Petitioners/Sole Accused

Vs

The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
Crime No.193 of 2023.

... Respondent/Complainant

For petitioners : Mr.M.Maharaja, 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.193 of 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 18.12.2023 for the offence punishable under Sections 328 of IPC r/w Section 77 of Juvenile Justice (Care and Protection) Act, 2015 & 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.193 of 2023, on the file of the respondent



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Police, seeks bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of 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 18.12.2023. Further, on his own volition, the petitioner undertake to construct a toilet to the Government Higher Secondary School, Sankarankoil, Tenkasi District. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner is having three previous cases. 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.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a



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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, Sankarankoil, and on further conditions that:

(a) Since the petitioner on his own vilitation, undertakes to construct a toilet to the Government Girls Higher Secondary School, Sankarankovil, Tenkasi, 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 and thereafter, sureties shall be accepted. 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;

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



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(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/-
09/01/2024

/ TRUE COPY /

09/01/2024

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

dss

TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SANKARANKOVIL TALUK POLICE STATION,
TENKASI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, SANKARANKOVIL.

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



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COPY TO

THE HEADMASTER / HEADMISTRESS,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
SANKARANKOVIL, TENKASI.

+1 CC to M/s.M.MAHARAJA, Advocate (SR-429[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.318 of 2024

Date :09/01/2024

RS//SAR-(09.01.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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