



CRL OP(MD). No.373 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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1. Sankarlal

2. Rata Ram

... Petitioners / Accused No.1 & 2

Vs

The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.
(Crime No.468 of 2023).

... Respondent/Complainant

For Petitioners : M/s. Murugan.R, 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.468 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on
16.12.2023 for the offence punishable under Sections 328 of IPC r/w 6(a) and 24(1)



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of Cigarette and Other Tobacco Products Act, 2003, in Crime No.468 of 2023, on the
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file of the respondent Police, seek bail.

2. The case of the prosecution is that on 16.12.2023, the petitioners were found in illegal possession of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. The petitioners did not commit any allegations as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 16.12.2023. Further, on their own volition, the petitioners undertake to construct a toilet to the Panjayat Union Primary School, V.Boothipuram, Vedasandur Block & Taluk, Dindigul District. Hence, he prays for grant bail to the petitioners.

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

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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their



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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 the learned Judicial Magistrate

No.I, Kulithurai, and on further conditions that:

(a) Since the petitioners on their own volition, undertake to construct a toilet to the Panjayat Union Primary School, V.Boothipuram, Veda sandur Block & Taluk, Dindigul District, they are 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 petitioners for construction of toilet for the benefit of girls students. After construction of toilet, the petitioners shall file a photograph before the concerned Judicial Magistrate.

(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 petitioners are directed to appear before the respondent police daily at 10.30 a.m, until further orders;

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



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(e)the petitioners 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 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]; and;

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

sd/-
10/01/2024

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10/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate No.I,
Kulithurai.



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

3.The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.

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

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

Copy to:

The Headmaster,
Panjayat Union Primary School,
V.Boothipuram,
Vedasandur Block and Taluk,
Dindigul District.

+2 CC to M/s.R.MURUGAN, Advocate (SR-461[I] dated 10/01/2024)

ORDER
IN
CRL OP(MD) No.373 of 2024
Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 9C

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