



CRL OP(MD). No.853 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.853 of 2024

1.Elayaraja

2.Suresh @ Thikkuvai Suresh

3.Maniraj

... Petitioners/ Accused Nos. 1 to 3

Vs

The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy District.
In Crime No.5 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.T.Leninkumar, 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.5 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.853 of 2024

on 07.01.2024 for the offences punishable under Section 328 of IPC and Sections 6, 24 (1) of Cigarette and Other Tobacco Products Act, 2003, r/w.77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.5 of 2024, on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of prohibited tobacco products using a car bearing Registration No.TN 45 AU 4183 and a two wheeler bearing Registration No.TN 48 BX 6432. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any allegations as alleged by the prosecution and they were falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 07.01.2024 days. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that one previous case in similar nature is pending against the first petitioner, six previous cases under IPC offences are pending against the second petitioner and two previous cases in similar nature are pending against the third



CRL OP(MD). No.853 of 2024

petitioner. Hence, he opposed to grant bail to the petitioners.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the previous antecedents of the petitioner Nos.1 and 2, this Court is not inclined to grant bail to them. Considering the facts and circumstances of the case and the period of incarceration suffered by the 3rd petitioner and also considering the fact that the 3rd petitioner is given undertaking to construct a toilet to the **Government Model Girls Higher Secondary School, Mannachanallur**, this Court is inclined to grant bail to the 3rd petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is partly allowed, in respect of the petitioner Nos.1 and 2, this petition is dismissed and in respect of the third petitioner, this petition is allowed. The 3rd 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,

Lalgudi, and on further conditions that:

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CRL OP(MD). No.853 of 2024

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(*)(a). After coming out on bail, the third petitioner is directed to construct a toilet to the Government Model Girls Higher Secondary School, Mannachanallur, within a period of six weeks from the date of receipt of a copy of this order. The Head Master of the said school shall co-operate with the third petitioner for construction of toilet for the benefit of girl students. After construction of toilet, an appropriate proof shall be sent to the concerned learned Judicial Magistrate and the Registrar, Madurai Bench of Madras High Court, Madurai, by the Headmaster of the said School. The third 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;

(b) the 3rd petitioner is directed to appear before the respondent police daily at 10.30 a.m and 05.00 p.m., until further orders;

(c) the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.853 of 2024

(d)the 3rd petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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;

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

sd/-
29/01/2024

**(*)CORRECTED AS PER ORDER OF THE
COURT DATED 30.01.2024 IN CRL OP(MD)
NO.853 OF 2024**

/ TRUE COPY /

30/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu



CRL OP(MD). No.853 of 2024

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TO

TO BE SUBSTITUTED WITH THE ORDER DATED 29.01.2024 ALREADY DESPATCHED.

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KANAKILIYANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

- 1 THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE HEAD MASTER
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
MANNACHANALLUR.



CRL OP(MD). No.853 of 2024

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+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1069[I] dated 29/01/2024)

ORDER
IN
CRL OP(MD) No.853 of 2024
Date :29/01/2024

PKP/29.01.2024/ 7P/10C

RK/SKN(30.01.2024) 7P/10C

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