



CRL OP(MD). No.932 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Veeramani
2.Gowtham

... Petitioners/ Accused Nos.1 & 3

Vs

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

... Respondent/Complainant

For petitioners : Mr.P.R.Boomee Rajan, 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 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 & A3, who were arrested and remanded to judicial custody on 20.12.2023 for the offence punishable under Sections 328 of IPC r/w Section 5, 7(1) & 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice Act, in Crime No.608 of 2023, on the file of the respondent Police, seek bail.



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2. The case of the prosecution is that the petitioners were found in illegal possession of 554 kgs of banned tobacco products worth about Rs.8 lakhs. Thereby, he was arrested and remanded to judicial custody. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons 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 20.12.2023. Further, the petitioners are come forward to pay a sum of Rs.2 lakhs to the Panchayat Union Primary School, Manangorai, Thanjavur, for making toilet facility to the welfare of the student. Hence, he prays for grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are come forward to pay a sum of Rs.2 lakhs to the Panchayat Union Primary School, Manangorai, Thanjavur, for making toilet facility to the welfare of the student, this Court may consider this petition.

5. Considering the period of incarceration suffered by the petitioners and also considering the fact that the petitioners are come forward to pay a sum of Rs.2 lakhs to the Panchayat Union Primary School, Manangorai, Thanjavur, for making toilet facility to the welfare of the student, this Court is inclined to grant bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail on their 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.II, Thanjavur, and on further conditions that:

(a) (i) the petitioners are directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of Demand Draft in favour of the Headmaster/Headmistress, Panchayat Union Primary School, Manangorai, Thanjavur, for making toilet facility to the welfare of the student.

(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned District Educational Officer within a period of eight weeks.

(iii) the petitioners shall make the above deposit before the execution of the sureties.

(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



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10.30 a.m, until further orders;

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

(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/-
22/01/2024

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22/01/2024

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

dss
TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



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3 THE INSPECTOR OF POLICE, VALLAM POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MANANGORAI, THANJAVUR.

ORDER
IN

CRL OP(MD) No.932 of 2024

Date :22/01/2024

RS//SAR-(22.01.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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