



CRL OP(MD). No.1237 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1237 of 2024

Sathishkumar,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,  
Kumbakonam West Police Station,  
Kumbakonam,  
Thanjavur District,  
Crime No.2/2024.

... Respondent/ Complainant

For Petitioner : Mr.S.Ramanathan,  
Advocate.

For Respondent : Mr.B.Nambi Selvan,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on

02.01.2024 for the offences under Section 328 of IPC r/w Sections 7(1) and 7(2) of

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



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Cigarette and Other Tobacco Products Act and Sections 52 and 59 of Food Safety and Standards Act, in Crime No.2 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal of possession banned Hans Tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he would further submit that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the alcohol addicted patients, without prejudice to his defence before the trial Court. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner and other accused were found in illegal possession of banned Hans Tobacco products worth about Rs.5,50,000/- and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and considering the fact that the petitioner is ready to deposit some amount to the Dean, Thanjavur Medical College Hospital, Thanjavur, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.I, Kumbakonam, Thanjavur District, and on further conditions that:

(a) the petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the alcohol addicted patients, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgement, shall accept the sureties furnished by the petitioner;

(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;



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(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;

(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/-  
30/01/2024

/ TRUE COPY /

30/01/2024

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM, THANJAVUR DISTRICT.

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



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2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJORE DISTRICT @ KUMBAKONAM

3. THE OFFICER IN CHARGE, SUB JAIL, KUMBAKONAM, THANJAVUR.

4. THE INSPECTOR OF POLICE,  
KUMBAKONAM WEST POLICE STATION,  
KUMBAKONAM, THANJAVUR DISTRICT.

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

COPY TO

THE DEAN, THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR,

+1 CC to M/s.S.RAMANATHAN, Advocate ( SR-1128[I] dated 30/01/2024 )

ORDER  
IN  
CRL OP(MD) No.1237 of 2024  
Date :30/01/2024

RK/SKN (30/01/2024) 5P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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