



CRL OP(MD). No.1362 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1362 of 2024

Lalithkumar

... Petitioner/ Accused No.1

Vs

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

... Respondent/Complainant

For petitioner : Mr.S.Ramanathan,
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.2 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on



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02.01.2024 for the offences under Section 328 of IPC r/w Sections 7(1) and 7(2) of 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 possession of 495 Kg of banned Tobacco products worth about Rs.5,25,000/-. 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. He would further submit that the petitioner is in judicial custody from 02.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.2 lakhs to the **Girls Higher Secondary School, Siramelkudi, Thanjavur**, for making toilet facility to the welfare of the girl student. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 2 previous cases in similar nature. Hence, he vehemently, opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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.I, Kumbakonam**, and on further conditions that:

(a) (i) after coming out on bail, as per the undertaking given by the petitioner, the petitioner is 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, **Girls Higher Secondary School, Siramelkudi, Thanjavur**, for making toilet facility to the welfare of the girl student **within a period of six weeks from the date of receipt of a copy of this order.**

the Headmaster/Headmistress of the above said school is directed to carry out 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 learned Judicial Magistrate and the Registrar, Madurai Bench of Madras High Court, Madurai."



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(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;

(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/-
31/01/2024

/ TRUE COPY /

31/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DSS

TO

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1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

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

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

4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM, THANJAVUR.

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 HEADMASTER,
GIRLS HIGHER SECONDARY SCHOOL,
SIRAMELKUDI, THANJAVUR.

+1 CC to M/s.S.RAMANATHAN, Advocate (SR-1208[I] dated 31/01/2024)

ORDER

IN

CRL OP(MD) No.1362 of 2024

Date :31/01/2024

SS/SAR- /31/01/2024/5P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023