



CRL OP(MD). No.1864 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1864 of 2024

Syed Mohammed

... Petitioner/Sole Accused

Vs

The State Represented by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(In Crime No.21 of 2024)

... Respondent/Complainant

For petitioner : Mr.R.Ilayaraja
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.21 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.01.2024 for the offences under Sections 273, 328 of IPC r/w Sections 5, 7(1) and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.21 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 234.29 kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner did not commit any allegation as alleged by the prosecution. However, the petitioner is ready to deposit a sum of Rs.1,00,000/- to the Municipal High School, Melur, Madurai District, for the welfare of the students, without prejudice to his defence before the trial Court.

4. The learned Additional Public Prosecutor submitted that the petitioner was found in illegal possession of 234.29 kgs of banned products. 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 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.III, Thanjavur, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the Municipal High School, Melur, Madurai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(b) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

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

(d)the 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 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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
07/02/2024

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07/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

TO

1. The Judicial Magistrate No.III,
Thanjavur.
2. The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge,
Sub Jail, Thanjavur.
- 4.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Copy To

The Headmaster,
The Municipal High School, Melur,
Madurai District.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-1539[I] dated 07/02/2024)

ORDER
IN
CRL OP(MD) No.1864 of 2024
Date :07/02/2024

SSA//SAR-(07.02.2024) 6P 8C

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