



CRL OP(MD). No.2327 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/02/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

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Mohamed Yusuf

... Petitioner/ Accused

Vs

The Inspector of Police,  
Kumbakonam Taluk Police Station,  
Thanjavur District.  
Crime No.80 of 2024.

... Respondent/Complainant

For Petitioner : Mr.M. Yesudasan,  
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.80 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 30.01.2024 for the alleged offence punishable under Section 328 of IPC and



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Sections 24(1) and 20(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime

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No.80 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 30.01.2024, the petitioners has transported illegally banned tobacco products such as Hans-2625 packets, Cool Lip-1188 packets, Vimal-6840 packets and V1 tobacco 6690 packets in a two wheeler, worth of Rs.5 lakhs. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 30.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,00,000/- to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District, hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail stating that the petitioner had transported banned tobacco products illegally. However, he fairly conceded that the petitioner has no previous case.



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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, subject to the following 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.II, Kumbakonam**, and on further conditions that:

(a)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)(i) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** in the name of the **President, Narasingam Panchayat [Account No.10111536134; MICR Code: 625002008, CIF No: 80080760562, IFSC Code: SBIN0002246, Othakadai Branch, Madurai (2246)]**, for restoration of Kanmai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



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(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, are directed to carryout the restoration work as mentioned above in the Kanmai around Othakadai and Narasingam areas in Madurai using the above said deposit amount and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks from the date of receipt of copy of this order.

(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;



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

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Section 229-A IPC.

sd/-  
15/02/2024

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15/02/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
KUMBAKONAM.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,  
KUMBAKONAM SUB JAIL, KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE  
KUMBAKONAM TALUK POLICE STATION,  
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.



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COPY TO:

- 1 THE PRESIDENT,  
NARASINGAM PANCHAYAT  
OTHAKADAI,  
MADURAI
- 2 THE PRESIDENT OF NARASINGAM PANCHAYAT,  
B.D.O, MADURAI EAST PANCHAYAT UNION,  
MADURAI.
- 3 THE ASSISTANT ENGINEER,  
PUBLIC WORKS DEPARTMENT,  
MADURAI EAST CIRCLE, MADURAI,

ORDER

IN

CRL OP(MD) No.2327 of 2024

Date :15/02/2024

SS/SAR- /15/02/2024/6P/9C

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