



CRL OP(MD). No.2927 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Vibin Raj

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Manavala Kurichi Police Station,
Kanyakumari District.
(Crime No.6/2024.)

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan, 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.6/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 05.02.2024 for the offences punishable under Sections 272, 273 and 328 of IPC, Section 77 of the Juvenile Justice (Care and Protection of Children) Act 2015 and



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Section 59 of Food Safety and Standards Act, 2006, in Crime No.6 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, the respondent police intercepted the petitioner and recovered 330 packets of banned Ganesh Tobacco products each weighing 225 grams (74.250kgs) and 50 packets of banned cool lip tobacco weighing 100 grams. Hence, the case.

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.25,000/- to the Government Primary School, Erulappapuram, Kanniyakumari District, 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 330 packets of banned Ganesh Tobacco products each weighing 225 grams (74.250kgs) and 50 packets of banned cool lip tobacco weighing 100 grams. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the allegation levelled against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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, Eraniel, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Headmaster, Government Primary School, Erulappapuram, Kanniyakumari 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 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



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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/-
26/02/2024

/ TRUE COPY /

26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate,
Eraniel.



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2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.

4.The Officer Incharge,
District Jail, Nagercoil.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Headmaster,
Government Primary School,
Erulappapuram, Kanyakumari District.

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-2378[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2927 of 2024
Date :26/02/2024

ED/ /SAR- (26/02/2024) 5P / 8C

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