



CRL OP(MD). No.4837 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.I.Ismayil Beevi

2.Aminal Banu

... Petitioners/ Accused Nos.2 & 3

Vs

The Inspector of Police,
Achanpudur Police Station,
Tenkasi District.

In Crime No.80 of 2024.

... Respondent/Complainant

For Petitioner : Mr.J.JEYAKUMARAN,
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.80 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 17.03.2024 for the offence punishable under Section 328 of IPC and Sections 24(1), 6(b) of of Cigarette and Tobacco Products Act, 2003, in Crime No.80 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution that on 17.03.2024, when the defacto complainant

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



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conducted inspection near Vadakarai Manthaieveli, the petitioners were found in illegal possession of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offences as alleged by the prosecution and they were falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 17.03.2024. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.30,000/- jointly to the Madurai West Panchayat Union Primary School, Parasuramanpatti, Madurai - 07, for purchasing furnitures or for constructing toilet facility to the students. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit the petitioners were involved in selling of banned tobacco products. Further, the first petitioner is having one previous case in similar nature and the second petitioner is having no previous case at his credit. Hence, he opposed to grant bail to the petitioners.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the quantity of the banned tobacco products seized from the petitioners, this Court is



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inclined to grant bail to the petitioners with certain conditions.

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7. Accordingly, this Criminal Original Petition is ordered and the petitioners are 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, Sengottai, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) jointly to the Madurai West Panchayat Union Primary School, Parasuramanpatti, Madurai - 07, without prejudice to their 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 petitioners are directed to appear before nearby All



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Women Police Station daily at 10.30 a.m, until further orders;

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(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
27/03/2024

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27/03/2024
Sub-Assistant Registrar
(Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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INDU

TO

1 THE JUDICIAL MAGISTRATE,
SENGOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION,
TENKASI DISTRICT.

4 THE OFFICER INCHARGE,
WOMEN PRISON, KOKIRAKULAM AT TIRUNELVELI.

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

COPY TO:

THE HEAD MASTER / HEAD MISTRESS,
MADURAI WEST PANCHAYAT UNION PRIMARY SCHOOL,
PARASURAMANPATTI,
MADURAI - 07

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-3805[I] dated 27/03/2024)

ORDER

IN

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Date :27/03/2024

SA/SAR. /27.03.2024/5P/8C

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