



CRL OP(MD). No.4878 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4878 of 2024

1.Muniyandi ... Petitioners/ Accused No.1

2.Uthayakumar ... Petitioners/ Accused No.2

Vs

The Inspector of Police,
Theni Police Station,
Theni District.
In Crime No.138 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.K.Dinesh,
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.138 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on

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CRL OP(MD). No.4878 of 2024

WEB COPY

14.03.2024 for the offence punishable under Sections 272, 273 and 328 of IPC and Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.138 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution that on 14.03.2024, when the defacto complainant and his Police parties were on surveillance near New Bus Stand, Theni, the petitioners were found in illegal possession of banned tobacco products. Thereby, the petitioners were arrested and the tobacco products were seized by the respondent Police on the same day. 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 14.03.2024. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.20,000/- jointly to the Government High School, Seepalakkottai, Theni District, for the welfare of the students. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent

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CRL OP(MD). No.4878 of 2024

would submit the petitioners were found in illegal possession of banned tobacco products. Further, no previous case is pending against 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 inclined to grant bail to the petitioners with certain conditions.

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, Theni, and on further conditions that:

(a)as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) jointly to the Government High School, Seepalakkottai, Theni District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



CRL OP(MD). No.4878 of 2024

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

(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



CRL OP(MD). No.4878 of 2024

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 Section 229-A IPC.

sd/-
28/03/2024

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28/03/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

TO

1.THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3.THE OFFICER IN CHARGE,
SUB JAIL, PERIYAKULAM.

4.THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

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



CRL OP(MD). No.4878 of 2024

COPY TO
THE HEADMASTER,
GOVERNMENT HIGH SCHOOL, SEEPALAKKOTTAI, THENI DISTRICT,

+1 CC to M/s.K.DINESH, Advocate (SR-3973[I] dated 28/03/2024)

ORDER
IN

CRL OP(MD) No.4878 of 2024

Date :28/03/2024

RK (28/03/2024) 6P / 8C

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