



CRL OP(MD). No.4887 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

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1.K.Ashok Kumar
2.K.Chakaravarthi

... Petitioners/1st & 2nd Accused

Vs

The Inspector of Police,
Siruganur Police Station,
Trichy District.
(Crime No.36 of 2024).

... Respondent/Complainant

For Petitioners : M/s.A.Zubaitha Banu, 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.36 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 01.03.2024 for the offence punishable under Sections 273 and 328 of IPC and Sections 6 r/w. 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.36 of 2024, on the file of the respondent Police, seek bail.



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2. The case of the prosecution is that on 29.02.2024, the petitioners were found in illegal possession of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. The petitioners did not commit any allegations as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 01.03.2024. The learned counsel, on instructions, submits that the petitioners are ready to deposit a sum of Rs.25,000/- jointly by way of a Demand Draft to the Executive Officer of Arulmighu Thaimanavar Temple, Malaikottai, Trichy District, for renovation of Teppakulam situated in the Temple. Hence, he prays for grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioners.

5. Heard the learned counsels on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, 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,



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Lalgudi, and on further conditions that:

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(a) as per the undertaking given by the petitioners, the petitioners shall make a Demand Draft for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) jointly in favour of the Executive Officer of Arulmighu Thaimanavar Temple, Malaikottai, Trichy, for renovation of Teppakulam situated in the Temple, without prejudice to their rights and contentions before the trial Court and the petitioners are further directed to produce a copy of the Demand Draft before the trial Court, while executing the sureties; The Executive Officer of the Temple shall utilize the said amount for renovation of Teppakulam and file a proof before the Registrar (Judicial) of this Court;

(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 the 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



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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/-
28/03/2024

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28/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

TO

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, SIRUGANUR POLICE STATION,
TRICHY DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, LALGUDI.

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

COPY TO

THE EXECUTIVE OFFICER,
ARULMIGHU THAIMANAVAR TEMPLE,
MALAIKOTTAI, TRICHY.



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+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-3985[I] dated 28/03/2024)

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ORDER

IN

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Date :28/03/2024

RS//SAR-(28.03.2024) 5P 8C

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