



CRL OP(MD). No.4871 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.4871 of 2024

Navaneethakrishnan

... Petitioners/Petitioners/ Accused No.1

Vs

The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.89 of 2024.

... Respondent/Respondent/Complainant

For Petitioner : Mr.T.Antony Arulraj, 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.89 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / 1st Accused, who was arrested and remanded to judicial custody on 03.03.2024 for the offence punishable under Sections 272, 273, 328 of IPC and Sections 24(1) and 6(b) of Cigarette and other Tobacco Products Act, 2003, in Crime No.89 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution that on 03.03.2024, when the respondent Police was in routine vehicle checkup, they intercepted a vehicle, which was driven by the petitioner and found a white bag containing 41 pockets of banned tobacco products.



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Hence, the petitioner was 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 petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution and he was falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 03.03.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to the Government Higher Secondary School (G), Pandalkudi, for the welfare of the students. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit the petitioner was found in illegal possession of banned tobacco products. Further, the petitioner involved in ten previous cases, out of which, five cases are ended in conviction and another five cases are still pending against him. Hence, he opposed to grant bail to the petitioner.

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 petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, this Criminal Original Petition is ordered and 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, Srivilliputtur, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the Government Higher Secondary School (G), Pandalkudi, 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 during investigation or trial;



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(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/-
28/03/2024

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/03/2024

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

ssb
TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE, CENTRAL SUB JAIL, VIRUDHUNAGAR DISTRICT.

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

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



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THE HEADMASTER / HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL (G),
PANDALKUDI.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-3903[I] dated 28/03/2024)

ORDER IN

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Date :28/03/2024

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

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