



CRL OP(MD).No.5139 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5139 of 2024

Selvakumar

... Petitioner/Sole Accused

Versus

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.159/2024)

... Respondent/Complainant

For Petitioner : Mr.A.Arun Prasad, Advocate.

For Respondent : Mr.T.Senthil Kumar, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.159 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.159 of 2024 for the offence under Sections 273 and 328 of IPC r/w. Sections 5, 7(1), 24(1) of Cigarettes and other Tobacco Products Act and remanded him into judicial custody on 13.03.2024. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that based on the secret information, the

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



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respondent Police conducted a raid, where, the petitioner was found in possession of banned Tobacco products, namely, Hans 279 Kg. VI-135 kg. Cool Lip – 59 Kgs.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in Jail from 13.03.2024. He further submits that the petitioner is not having any previous case.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the quantum of banned products, this Court is not inclined to grant bail and is about to dismiss the bail application, at that time, the learned counsel for the petitioner submits that the petitioner is prepared to compensate by paying a sum of Rs.50,000/- (Rupees fifty thousand) to the Panchayat Union Primary School, Thirukulatheru, Pasupathikovil, Papanasam Taluk, Thanjavur District for the purpose of purchasing required things to the School and he also undertakes that he will not indulge in any further offence. The petitioner has also filed an affidavit to that effect.

6. Considering the nature of offence, the period of incarceration and also considering the affidavit filed by the petitioner that he is ready to pay a sum of Rs.50,000/- to the Panchayat Union Primary School and he will not indulge in any



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further offence, this Court is inclined to grant bail to the petitioner.

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7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thanjavur and also on production of any proof for payment of Rs.50,000/- (Rupees fifty thousand) to the Panchayat Union Primary School, Thirukulatheru, Pasupathikovil, Papanasam Taluk, Thanjavur District.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address.

iii) The petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

8. The Headmaster of the Panchayat Union Primary School, Thirukulatheru, Pasupathikovil, Papanasam Taluk, Thanjavur District, shall utilize the amount of



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Rs.50,000/- (Rupees fifty thousand) to be paid by the petitioner, either for the smart class room (or) for drinking water facilities (or) for toilet facility.

sd/-
08/04/2024
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08/04/2024

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

OGY
TO

1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
THIRUKULATHERU, PASUPATHIKOVIL,
PAPANASAM TALUK, THANJAVUR DISTRICT.

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-4261[I] dated 08/04/2024)



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ORDER

IN

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Date :08/04/2024

RS//SAR-(08.04.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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