



CRL OP(MD). No.8843 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8843 of 2024

1. Rajkumar

2. Arul

... Petitioners No.1 & 2/ Accused No.1 & 2

Vs

The Inspector of Police,
Andipatti Police Station,
Theni District.

(Crime No.264 of 2024)

... Respondent/Complainant

For Petitioner : Mr.R.Ramanujam, Advocate
for M/s.Gandhi Associates,

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.264 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who were arrested on 06.06.2024 in connection with the offence under Sections 272, 273 and 328 of IPC and Sections 6(a) and 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade, Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.264 of 2024 on the file of the respondent police, seek bail.



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

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are languishing in jail from 06.06.2024.

4.The learned Additional Public Prosecutor for the respondent submits that the first petitioner is having five previous cases and the second petitioner is having three previous cases. Hence, he opposed for the grant of bail to the petitioners.

5.Considering the antecedents of the petitioners, this Court was not inclined to grant bail to the petitioners. However, the learned counsel for the petitioners submits that the petitioners have changed their attitude and they have also deposited a sum of Rs.65,000/- [Rs.40,000/- (first petitioner) and Rs.25,000/-(second petitioner)] to the credit of the Chief Educational Officer, Theni, for the purpose of constructing toilets or smart classrooms in any Government Schools within the District.

6.Taking into consideration of the facts and circumstances of the case and the change of attitude of 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 the following conditions:-



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i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Theni;

ii) The petitioners 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 petitioners shall file an undertaking affidavit before the respondent police stating that they will not indulge in any such offence in future. Further, the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

sd/-

18/06/2024

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18/06/2024

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

SJI

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



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TO

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1 THE PRINCIPAL SESSIONS JUDGE, THENI.

2 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.

3 THE INSPECTOR OF POLICE, ANDIPATTI POLICE STATION, THENI DISTRICT.

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

COPY TO

THE CHIEF EDUCATIONAL OFFICER, THENI.

+1 CC to M/s.GANDHI ASSOCIATES, Advocate (SR-6613[I] dated 18/06/2024)

ORDER

IN

CRL OP(MD) No.8843 of 2024

Date :18/06/2024

RS//SAR-(18.06.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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