



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

CrI.O.P. (MD)No.10714 of 2020

Navarathinavel

... Petitioner /Accused No.5

Vs.

1.The Deputy Superintendent of Police,
Theni Division,
Theni District.

2.The Inspector of Police,
Allinagaram Police Station Junction,
Theni District.
(crime No.2340 of 2020) ... Respondents Nos.1 & 2/Complainant

3.Sekar,
Inspector of Police,
Allinagaram Police Station,
Theni District. ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Judicial Magistrate Court, Theni, to accept the bail petition of this petitioner in FIR No.2340 of 2020, dated 31.08.2020, registered under Section 6(b), 7(5), 20(2) and 24(1) of Cigarette and Other Tobacco Products Acts 2003, on the file of the respondent police and to take the same on file, on his surrender and to consider the same within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 and R-2 : Mr.R.Erottuchamy
Government Advocate (CrI. side)

O R D E R

The Criminal Original Petition has been filed seeking a direction to direct the learned Judicial Magistrate, Theni, to accept the bail petition of this petitioner in connection with Crime No.2340 of 2020 under Sections 6(b), 7(5), 20(2) and 24(1) of Cigarette and Other Tobacco Products Acts 2003, pending on the file of the respondent police and to take the same on file on his surrender and to consider the same within a time to be stipulated



by this Court.

2.The learned counsel appearing for the petitioner would contend that though the bail petition filed by the petitioner in the way back, the same was not considered by the learned Judicial Magistrate, Theni, and therefore, a specific direction is necessary to the learned Judicial Magistrate, Theni, for considering the bail application which was filed by the petitioner.

3.On the other hand, the learned Government Advocate (crl.side) appearing for the respondents 1 and 2, on instructions, would submit that the petitioner herein is the sixth accused in Crime No.2340 of 2020 registered for the offence punishable under Sections 6(b), 7(5), 20(2) and 24(1) of Cigarette and Other Tobacco Products Act, 2003, which is bailable in nature.

4.Upon considering the rival submission made by the learned counsels appearing on either side, it is the duty of the learned Judicial Magistrate to entertain the bail application filed by the petitioner on the same day, since the case has been registered against the petitioner, is bailable in nature. However now the Honourable High Court directed all the Subordinate Court to conduct the physical hearings. In the said circumstances, it would be appropriate to direct the learned Judicial Magistrate, Theni, to consider the bail application filed by the petitioner on the same day of his surrender, after verifying the fact that the offence committed by the petitioner, is bailable or non bailable.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



1. The Judicial Magistrate, Theni.

2. The Deputy Superintendent of Police,
Theni Division,
Theni District.

3. The Inspector of Police,
Allinagaram Police Station Junction,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. [MD] No. 10714 of 2020
01.10.2020

sj (CO)
TR(13.10.2020) 3P 5C