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CRL OP(MD). No.12826 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12826 of 2021

Vijayaraj ... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police
Thiruvattar Police Station
Kanyakumari District
Crime No.378 of 2021 ... Respondent/Complainant

For Petitioner : Mr.C.T.Perumal,
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.378 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 06.08.2021 for the offences under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime.No.378 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 6 sacks of prohibited ganesh 701 tobacco. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that

<https://hcservices.ecourts.gov.in/hcservices/>



the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, to show his bona fide, the petitioner is ready to pay a sum of Rs.5,000/- to the Chief Minister's Public Relief Fund, without prejudice to his defence before the trial Court. He would further submit that the petitioner is in jail from 06.08.2021 and hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) submits that apart from this case, the petitioner has not involved in any other offences. He would further submit that the investigation is yet to be completed.

5. Taking into consideration of the facts and circumstances of the case, the fact that the petitioner has not involved in any other offences and his willingness to pay a sum of Rs.5,000/- to the Chief Minister's Public Relief Fund, without prejudice to his defence before the trial Court and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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, Padmanabhapuram, Kanyakumari District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall pay a sum of Rs.5,000/- **(Rupees Five Thousand only) to the Tamil Nadu Chief Minister's Public Relief Fund, without prejudice to his defence before the trial Court** and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[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 petitioners 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]**.



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/09/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL,
NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI 09.

+1. CC to Mr.C.T.PERUMAL, Advocate SR.No.5935

ORDER
IN
CRL OP(MD) No.12826 of 2021
Date :03/09/2021

msa
SS/JC/SAR-I/06.09.2021 : 3P/8C