



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20208 of 2021

Rajakani

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
Crime No.305 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.305 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 who was arrested and remanded to judicial custody on 02.12.2021 for the offence punishable under Sections 328 of IPC and under Section 6 (b) and 24(1) of COTPA Act, in Crime No.305 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 transported huge quantity of tobacco products in TATA Ace vehicle, TATA Magic Vehicle and in two motorcycles, for sale. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 02.12.2021. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused have transported huge quantity of tobacco products and the petitioner is having one previous case. He strongly opposed to grant bail to the petitioner on the ground that the petitioner is indulged in services continuously.



5. At the time of hearing, the learned counsel for the petitioner has genuinely given an undertaking that he will file an affidavit that he will not indulge in such activities in future.

6. Considering the genuine undertaking given by the petitioner and also considering the fact that the petitioner is in judicial custody from 02.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Tiruchendur, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

8. He must file affidavit that he will not commit such crimes in future before the trial court. If any fresh crime is registered against the petitioner, the bail granted by this Court, shall stand automatically cancelled, without further reference of this Court.

sd/-

17/12/2021

/ TRUE COPY /

/ /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, TIRUCHENDUR.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI.
 - 4 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.R.PON KARTHIKEYAN, Advocate SR.No.9420.

ORDER IN

CRL OP(MD) No.20208 of 2021

Date : 17/12/2021