



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

Date : 22/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20414 of 2021

1. Kannan
2. Mohanraj

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti East Police Station, Thoothukudi District.
Crime No. 1121 of 2021. ... Respondent/Complainant

For Petitioners : Mr.R.Pon Karthikeyan, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.1121 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein, who were arrested on 03.12.2021 for the alleged offence under Sections 328 of IPC and Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.1121 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that while the respondent police doing vehicle checkup, they intercepted a vehicle bearing TN 01 BC 7735 driven by the petitioners and on search they said to have found banned tobacco products worth about Rs.1,00,000/- in TATA ACE bearing TN 01 BC 7735. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that the first petitioner is involving in two previous cases, one is under Section 269 IPC and another one is under Section 376 IPC on the ground that there was a false promise and later refused to marry. No similar case is pending. He would further submitted that with the knowledge of the owner of the vehicle these petitioners transported the banned tobacco products and were indulged in selling the same in



5.Considering the above said nature offence, this Court is of the view that if the petitioners are released on bail, they can indulge in such sort of activities in future. However, they are ready to give an undertaking that they will not indulge in such sort of activities in future. The petitioners are involved in this nature offence for the first time. Hence, this Court is inclined to grant bail to the petitioners with conditions.

6.Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kovilpatti, and on further condition that

(i)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(ii) the petitioners shall file an affidavit before the concerned Court stating that they will not indulge in such sort of activities in future.

(iii) if there is any violation of affidavit and if any fresh case is registered against them, the bail granted by this Court shall stand dismissed automatically without any reference to the Court.

sd/-

23/12/2021

/ 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 NO.I, KOVILPATTI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI.
- 4 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PON KARTHIKEYAN R Advocate SR.No.9650.

ORDER IN

CRL OP(MD) No.20414 of 2021

Date :23/12/2021

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