



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/12/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21047 of 2021

Elangamani

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : Mr.PALANI VELAYUTHAM.S,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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.3, who was arrested on 02.12.2021 for the offences punishable under section 328 of I.P.C., and section 6(b) and 24(1) of Cigarette and Other Tobacco Products (COTPA) Act, 2003, 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 had transported huge quantity of banned poisonous tobacco products by using TATA Ace vehicle and two motor cycles.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He also submitted that the petitioner is driver of the vehicle and he did not have any knowledge about the parcel and the accused Nos.1 and 2 were already released on bail. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is not having any previous case and A1 and A2 were already released on bail.



5. Considering the period of incarceration and also considering the fact that the petitioner is not having any previous case and co-accused have already been released on bail, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. 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, Thoothukudi District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days.

sd/-

29/12/2021

/ TRUE COPY /

29/12/2021

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, THOOTHUKUDI DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
KULASEKARAPATTINAM, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.21047 of 2021

Date : 29/12/2021

SA/VR/SAR.4/29.12.2021/2P/6C