



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9013 of 2022

Maheshwari

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Sernthamaram Police Station,
Tenkasi District.
(Crime No.152 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.152 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 29.04.2022 for the offences punishable under Sections 6(a)(b) r/w 24(1) of Cigarette and other Tobacco Products Act, Section 77 of Juvenile Justice(Care and Protection of Children) Act 2015 and Section 4(1)(a) of TNP Act, in Crime No.152 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 160 packets of banned tobacco products and 52 packets of brandy bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner is ready to deposit any amount to the Government school for the welfare of the students without prejudice to her contentions.



4.The learned Additional Public Prosecutor would submit that the petitioner is having 5 previous cases, in which, four cases were under prohibition offence and one case was for the other offence.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that property has been recovered, this Court is inclined to grant bail to the petitioner with a condition that the petitioner shall take D.D for a sum of Rs.1,50,000/- (Rupees One lakh and Fifty thousand only) and hand over the same to the Head Master, Government Higher Secondary School, Sundarapandiyapuram, Tenkasi District for construction of toilets and bathroom in the said school.

6.Accordingly, the petitioner is ordered to be released on bail on her 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, Tenkasi.

(a) the petitioner is directed to take D.D for a sum of Rs.1,50,000/- (Rupees One lakh and Fifty thousand only) and hand over the same to the Head Master, Government Higher Secondary School, Sundarapandiyapuram, Tenkasi District for construction of toilets and bathroom in the said school and thereafter sureties shall be accepted.

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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 petitioner 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

/ TRUE COPY /

11/05/2022

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

CSM/AAV

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



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,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
SERNTAMARAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE,
SPECIAL WOMAN SUB JAIL, KOKKIRAKULAM,
TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SUNDARAPANDIYAPURAM, TENKASI DISTRICT.

+1. CC to M/S.NARAYANAKUMAR K P Advocate SR.No.4572

ORDER
IN
CRL OP(MD) No.9013 of 2022
Date :11/05/2022

SS/VR/SAR:IV/11.05.2022 : 3P/8C