



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

Date : 28/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11272 of 2022

S.Muthukrishnan

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Cr.No.165/2022.

... Respondent/Complainant

For Petitioner : M/s.NAVEENKUMAR.S.P,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Cr.No.165/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 16.06.2022 for the alleged offence under Section 328 of IPC and Sections 6 and 24(1) of the Cigarette and other Tobacco Products Act, 2003, in Crime No.165 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 8 kgs of prohibited tobacco products of various brands with and intention to sell the same in the market through his petty shop. Hence, the case.

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.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is having one previous case in Crime No.99 of 2022 similar in nature. Considering the same, the petitioner may file an affidavit that he will not indulge in such activities in future.

5.At this juncture, the learned counsel for the petitioner would submit that he will ready to file an undertaking affidavit to the effect that the petitioner will not indulge in such illegal activities in future.



6.Considering the period of incarceration and also considering the affidavit filed by the petitioner, this Court is inclined to grant bail to the petitioner with stringent 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 Judicial Magistrate Court, Cheranmahadevi, and on further condition that the petitioner shall report before the concerned Magistrate Court daily at 10.30 a.m. until further orders.

8.The petitioner must file an undertaking affidavit that he will not indulge in such activities in future. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-
28/06/2022

/ TRUE COPY /

28/06/2022
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, CHERANMAHADEVI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI..
- 4 THE SUB INSPECTOR OF POLICE,
NANGUNERI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.NAVEENKUMAR.S.P., Advocate SR.No.6235

ORDER IN

CRL OP(MD) No.11272 of 2022
Date :28/06/2022

SA/PN/SAR.2/28.06.2022/2P/7C

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