



WEB COPY

CRL OP(MD). 1



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11600 of 2022

Durairaj

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.207 of 2022)

... Respondent/Complainant

For Petitioner : MR.D.Rameshkumar,
Advocate.

For Respondent : Mr.P.Kotai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.207 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 19.06.2022 for the alleged offence under Section 328 IPC u/s 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.207 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 45 pks of banned tobacco products. 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. He further submitted that when the matter was came up for hearing on 29.06.2022, this Court has directed the petitioner to file an undertaking affidavit that he will not indulge in such activities in future. As per the direction of this Court, affidavit has also been filed. Hence, he prays for

<https://www.mca.gov.in/judicial> to grant bail to the petitioner.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is running a petty shop. He sold the tobacco products to the public and school going children, which was banned by the Government. He further submitted that he is having 3 previous cases in similar nature. In pursuance of the direction of this Court dated 29.06.2022, the petitioner has filed affidavit, this Court may consider the bail application of the petitioner.

5. In view of the affidavit filed by the petitioner that he will not indulge in such activities in future, this Court is inclined to grant bail to the petitioner.

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 No.III, Tuticorin, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled without reference to this Court. 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/-

04/07/2022

/ TRUE COPY /

04/07/2022

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-III,
TUTICORIN,

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.



3 THE OFFICER INCHARGE,
DISTRICT JAIL, TUTICORIN.

4 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.D.RAMESHKUMAR, Advocate (SR-6503[I] dated 04/07/2022)

ORDER

IN

CRL OP(MD) No.11600 of 2022

Date :04/07/2022

DSS

MK/VR/SAR.II/04.07.2022/3P/7C