



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.11582 of 2022

WEB COPY

Shanmugathai

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No. 297 of 2022).

... Respondent/Complainant

For Petitioner : M/s.PANDIAN.M, 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 Crime No. 297 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 and u/s 77 of JJ Act, 2002, in Crime No.297 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 various brands of Government banned poisonous tobacco products worth about Rs.1,96,960/- for selling to the school going minor boys. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she 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 she will not indulge in such activities in future. As per the direction of this Court, affidavit has also been filed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is running a petty shop. She sold the tobacco products to the public and school going children, which was banned by the Government. He further submitted that she is having 1 previous case similar in nature. In pursuance of the direction of this Court dated 29.06.2022, the petitioner has filed affidavit, this Court may consider the anticipatory bail application of the petitioner.



5. In view of the affidavit filed by the petitioner, the Court is inclined to grant anticipatory 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-I Judge, Kovilpatti, 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 NO.I JUDGE, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, KOKKIRAKULAM.

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.PANDIAN M Advocate SR.No.6520

ORDER IN

CRL OP(MD) No.11582 of 2022

Date : 04/07/2022

SA/PN/SAR.2/04.07.2022/2P/7C

<https://www.mhc.tn.gov.in/judis>