



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD) . No.11920 of 2022

WEB COPY

Suresh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Crime No.62 of 2022.

... Respondent/Complainant

For Petitioner : M/s.MUTHUPANDIAN.A.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 Crime No.62 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 15.06.2022 for the alleged offences under Sections 328 IPC, r/w 6(b), 24(1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.62 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the special report, the respondent police inspected and searched the petitioner's petty shop on 15.06.2022. During the course of search, the petitioner was found in possession of 12 pockets of Ganesh 709 Tobacco and each pocket contained 20 grams of Tobacco. Hence, the complaint.

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 would further submit that the petitioner is in judicial custody from 15.06.2022.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that two previous cases are pending against this petitioner. He further submitted that when the matter was came up for hearing on 04.07.2022, this Court has directed the petitioner to file an undertaking affidavit that he will not indulge in such activities in future, but, this petitioner has not filed any affidavit before this Court so far.



5.Considering the facts and circumstances of this case so considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain 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, Cheranmahadevi, Tirunelveli District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7. After releasing on bail, the petitioner must file an undertaking affidavit stating that he will not indulge this kind of offence in future before the concerned Magistrate Court and send another copy to the concerned Police Station.

8.If any violation is noticed after filing undertaking affidavit, bail granted by this Court, shall stand automatically cancelled without reference to this Court.

sd/-

06/07/2022

/ TRUE COPY /

06/07/2022

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

+1. CC to M/S.MUTHUPANDIAN A.P Advocate SR.No.6667

ORDER IN

CRL OP(MD) No.11920 of 2022
Date :06/07/2022

SA/VR/SAR.4/06.07.2022/2P/7C

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