



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11900 of 2022

Lingasamy

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.253 of 2022.

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy, 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.253 of 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 offences under Sections 328 IPC r/w 6(b), 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.253 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with another accused were found in illegal possession of 67 packets of Tobacco Products. 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 further submitted that on earlier occasion, when the matter came up for hearing, this Court has directed the petitioner to file an undertaking affidavit that the petitioner 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 bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner along with other accused were found in illegal possession of 67 packets of Tobacco Products and selling the same to the School and College going students. He would further submit that in pursuance of the direction



of this Court, the petitioner has filed an undertaking a, this Court may consider the bail application of the petitioner.

5. Considering the duration of incarceration and also considering the undertaking affidavit filed by the petitioner, 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, Radhapuram, 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 or any new case is registered against the petitioner, 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/-

11/07/2022

/ TRUE COPY /

11/07/2022

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, RADHAPURAM

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,

CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

4 THE INSPECTOR OF POLICE

KOODANKULAM POLICE STATION, TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.V.ANGUSAMY, Advocate SR.No.6865.

ORDER

IN

CRL OP(MD) No.11900 of 2022

Date : 11/07/2022

TTA

<https://www.mhjudiciary.org.in> II/11.07.2022/2P/7C