



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15312 of 2022

Prabu,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Town East Police Station,
Thanjavur District.
Crime No.1051 of 2022.

... Respondent/Complainant

For Petitioner : Mr.M.Ajmalkhan Senior Counsel
for M/s.Ajmal Associates,

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.1051 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 08.08.2022 for the alleged offences under Sections 328 of IPC and Sections 5, 7(1) & 24(1) of Cigarette and other Tobacco Products Act, 2003(herein after referred as 'COTPA' Act) and Section 4(1)(aaa) of Tamil Nadu Prohibition Act, in Crime No.1051 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of tobacco products and liquor bottles, which are banned by the Government. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any

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



offence as alleged by the prosecution. He further submitted that no similar case is pending against the petitioner. Since, the father of the petitioner is running a Bar, he has been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case against the petitioner.

5. Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioner, this Court is inclined to grant bail to the petitioner with stringent 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 Court-I, Thanjavur, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7. The learned Government Advocate (Crl.Side) would submit that the proposal under Act 14 is going to be initiated against the petitioner. But, granting bail by this Court, may not be a bar for invoking Act 14.

8. The learned counsel for the petitioner submitted that the father of the petitioner is taking treatment in hospital. To that effect, he produced the photographs.

sd/-
29/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB-JAIL, THANJAVUR..
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9218[I]dated 29/08/2022)

ORDER

IN

CRL OP(MD) No.15312 of 2022

Date :29/08/2022

PKP/PN/SAR-2/30.08.2022/3P/7C