



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.15879 of 2022

Jeyalakshmi,
W/o. Sundaramoorthy,
No. 72, Natchiyar Street, Ram Nagar,
Devakottai Taluk,
Sivagangai District.

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(Crime No. 179 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Bharathi Kannan.Kr.,
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.179 of 2022 on the file of the Respondent police.

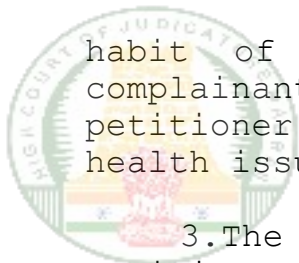
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 16.08.2022 for the alleged offences under Sections 272, 273, 328 of IPC Section 6 & 24(1) of Cigarette and other Tobacco Products Acts, 2003 and Section 7 & 9(ii) of TN Prohibition of Smoking & Spitting Act, 2003, in Crime No.179 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is running a petty shop. The defacto complainant is working as temporary cleaning worker in Devakottai Municipal Officer and he is having a



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habit of using tobacco products. On 16.08.2022, the complainant purchased the tobacco product from the shop the petitioner and also consumed the same. It caused headache and other health issue to the defacto complainant. 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 she is ready to file an undertaking affidavit that she will not indulge in such activities in future.

4.The learned Government Advocate (Crl.Side) submitted that no bad antecedent is reported against the petitioner.

5.Considering the period of incarceration and also considering the fact that willingness of the petitioner to file an undertaking affidavit that she will not indulge in such activities in future, 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, Devekottai, Sivagangai District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7.The petitioner must file an undertaking affidavit that she will not indulge in such activities in future. If any violation is noticed, 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.

8.The learned counsel for the petitioner would submit that the respondent police station was wrongly mentioned as 'Sivangai Town Police Station' instead of 'Devokottai Town Police Station'. The Registry is directed to carry out the necessary amendment in the cause title.

sd/-
02/09/2022

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02/09/2022
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,
Devekottai, Sivagangai District.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Officer in Charge,
Sub Jail, Paramakudi, Sivagangai District.
4. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.K.R.Bharathi Kannan, Advocate (SR.No.9481)

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ORDER
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Date :02/09/2022

MGJ/SAR 1(02.09.2022) 3P 7C