



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19865 of 2022

Ananthaselvam

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.315 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar C,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.315 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 28.09.2022 for the offences punishable under Sections 294(b), 506(ii) IPC and 6 r/w 24(1) Cigarette and other Tobacco Products Acts, 2003 (COTPA Act) and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, (JJ Act), in crime No.315 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had sold Tobacco products to public and he was found in possession of 231 Kg of Tobacco products. Hence, the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody on 28.09.2022. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is found in possession of 231 Kg of Tobacco products



worth about Rs.3 lakhs. He would further submit that the petitioner is having 1 previous case. Since the investigation is not yet completed, he strongly opposed to grant bail.

5.Considering the above facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 28.09.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a 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, Tenkasi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai,** without prejudice to his rights and contentions before the trial Court;

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

v)the petitioner shall not abscond during trial.

vi)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

10/11/2022

/ TRUE COPY /

10/11/2022

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,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, TENKASI.
- 4 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE CO-ORDINATOR
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SARAVANAKUMAR C Advocate SR.No.12780

ORDER

IN

CRL OP(MD) No.19865 of 2022
Date :10/11/2022

DSS
SA/TR/SAR. /10.11.2022/3P/8C