



CRL OP(MD). No.20956 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20956 of 2023

Manikandan

... Petitioner/ Accused No.1

Vs

1.The Inspector of Police,
Marthandam Police Station,
through the learned Public Prosecutor,
Kanyakumari District.
Crime No. 393 of 2023.

... Respondent/Complainant

2.Raju

...Petitioner/Intervener/
Defacto Complainant
in CRL MP(MD)No.16961 of 2023

For Petitioner : Mr.K.Sivabalan, Advocate.
for Mr.G.Aravinthan,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

For Intervenor : Mr.C.Muthusaravanan, Advocate.



CRL OP(MD). No.20956 of 2023

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

PRAYER :-

For Bail in Crime No.393 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on on 21.10.2023 for the alleged offence punishable under Sections 24(1), 6(a), 6(b) of Cigarette and Other Tobacco Products Act, 2003 r/w 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.393 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.10.2023, at about 09.00 a.m, on the secret information received from the informant that the petitioner sold a cool lip to a juvenile aged about 16 years, the defacto complainant and his team went to the tea shop of the petitioner and inspected the same and found that the petitioner was in possession of 2.135 Kg of prohibited tobacco product for sale. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the

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



CRL OP(MD). No.20956 of 2023

prosecution. He would further submit that the petitioner is in custody from 21.10.2023. Hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police and the learned counsel for the Intervenor would submit that the petitioner was in possession of 2.135 Kg of prohibited tobacco product for sale to the young children. Hence, they strongly objected to grand bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 The Judicial Magistrate-I, Kuzhithurai, and on further conditions that:



CRL OP(MD). No.20956 of 2023

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(ii) 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;

(iii) the petitioner shall appear before the trial Court on first working day of every month at 10.30 am., 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].



CRL OP(MD). No.20956 of 2023

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section

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229A IPC.

sd/-

11/12/2023

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11/12/2023

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

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
3. THE OFFICER IN CHARGE, SUB JAIL, KUZHITHURAI..
4. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, THROUGH THE
LEARNED PUBLIC PROSECUTOR,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-17548[I] dated 11/12/2023)

ORDER

IN

CRL OP(MD) No.20956 of 2023

Date :11/12/2023

RK (11/12/2023) 5P / 7C

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