

In the Court of the Principal District Judge, Madurai.

Present : **Thiru.M. Balakumar, B.A., M.L.,**

(V Additional District Judge, Madurai)

Principal District Judge, Madurai. (i/c)

Thursday, this the 10th day of September -2020.

Crl.M.P.No.4066/2020

Sivakumar,S/o.Rajagopal

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thirumangalam Town,P.S. Cr.No.1101/2020 ... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.PAT.S.Iyappakathirvel, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 284, 328 IPC & 6(b), 24(1) of COTPA Act.
3. Heard.
4. The learned counsel for the petitioner argued that the accused has charged u/s. 284, 328 IPC & 6(b), 24(1) of COTPA Act. As per the case of the prosecution, the petitioner was arrested by police where he was taking tobacco products in his two wheeler and now the petitioner is affected by Covid-19. Hence, considering the health status the accused may be granted bail and stringent condition may be imposed.
5. The learned public prosecutor has stated that necessary treatment was provided to the petitioner / accused and tobacco products to the tune of 400 kgs was recovered and a cash of Rs.9,300/- also from him at that time of arrest. Hence, objected to release the accused on bail.
6. On hearing rival submission, the accused has involved in sales of tobacco products and cash was recovered from him at the time of arrest. At this juncture, considering the fact that the accused is in critical stage of Covid-19, if he released on bail he may be taken treatment in a private hospital and the

application may be considered on that ground. In the regard, the learned public prosecutor has not specific and serious objection. Therefore, this Court is inclined to grant bail to the Petitioner on condition.

7. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Melur.** After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. **The petitioner should strictly abide quarantine norms as per the norms applicable to the Covid -19 affected persons.** The petitioner shall co-operate with the investigation and he shall not threaten the witnesses, he shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560.*** Accordingly, the petition is allowed.

Pronounced by me in Open Court on the 10th day of September -2020.

Sd/- M. Balakumar
V Additional District Judge, Madurai
Principal District Judge, Madurai.(i/c)

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Thirumangalam Town, P.S.
3. The Superintendent, Sub Jail, Melur.
4. The Petitioner through his counsel.

