

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 23rd day of January -2021.

Crl.M.P.No.476/2021

Sasikumar, S/o.Alagrsamy

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Sholavandhan P.S. Cr.No.2022/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Thiyagarajan, 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 under section 439 of Cr.P.C.
2. The offences alleged are under section 273, 328 of IPC and 7, 20(1) of Cigarette and other Tobacco Product Act.
3. Heard both sides.
4. The case of the petitioner is that a case has been registered against the petitioner in Cr.No.2022/2020 of Sholavandan P.S. U/s. 273, 328 of IPC and 7, 20(1) of Cigarette and other Tobacco Product Act. The date of occurrence was on 28.12.2020. The petitioner was arrested and remanded to judicial custody on 29.12.2020 , and he is in judicial custody for the past 26 days. The properties have been recovered, hence he prays to grant bail to the petitioner.

5. It is argued on the part of the respondent that single accused in this case, on 28.12.2020, the petitioner was found in possession of 7710 pockets of banned tobacco products totally 54 Kgs illegally. Hence, the case. The properties have been recovered. Investigation is pending. The petitioner has no previous case in similar nature. He objected to release the petitioner on bail.

6. This court has carefully perused the argument advanced on both sides. The learned public prosecutor raised objection stating that 7710 pockets of banned tobacco products were involved in this case. It is stated that the properties have been recovered from the petitioner. The petitioner has been in judicial custody for the past 26 days. Considering the duration of the custody of the petitioner, and no previous case in similar nature is pending against the petitioner and the fact that the properties have been recovered, 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 a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, Vadipatti subject to condition

(i) After release the petitioner shall appear and sign before the Inspector of police, respondent police station **daily twice at 10.00a.m. and 5.00 p.m.until further orders.**

(ii) 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 even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in Open Court on the 23rd day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Vadipatti.
2. The Inspector of Police, Sholavandhan P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.