

In the Court of the Principal Sessions Judge, Tiruvarur.

**Present: Tmt. M. Shanthi, B.Sc., B.L.,
Principal Sessions Judge, Thiruvarur.
Thursday, this the 20th day of October 2022**

Crl.M.P.No. 1574/2022

Annadurai @ Subash, aged 39/2022,
S/o. Ravichandran

... Petitioner/Accused.

Vs

State rep. through the Inspector of Police,
Vikkirapandiyam Police Station,
Crime Number 90/2022.

... Respondent/Complainant.

This petition came up before this Court for hearing moved by Mr. G. Gnanaraj, A. Premalatha, Advocates for the petitioner/accused and Mr. D. Manivannan, Public Prosecutor for the State and upon perusing the petition and reply, this Court passes the following:-

ORDER

This petition had been filed by the petitioner under section 439 of Criminal Procedure Code to grant bail with regard to the case in Crime Number 90/2022 of Vikkirapandiyam Police Station for the offence punishable under sections 5, 7, 24(1) of Cigarette and other Tobacco Products Act 2003, 328 of Indian Penal Code and 52, 59 of Food Safety Act 2006.

2. According to the petitioner, he had been remanded to judicial custody on 10.10.2022. He is an innocent person and he is not guilty of any offence. The defacto complainant had stated that the petitioner had been in possession of Cool Lip Pockets. The petitioner is no way related with the offence. The above case is a false one and it is foisted against the petitioner. An earlier bail application in Criminal Miscellaneous Petition Number 7590/2022 was dismissed by the Judicial Magistrate No.II, Mannargudi dated 11.10.2022 and the investigation could have been completed at this stage and hence seeks to grant bail to the petitioner.

3. Whereas the Public Prosecutor had submitted the reply of Respondent / Complainant in which stated that the case is under investigation and accused is secured and the petitioner had been in possession of Cool Lip – 10 Pockets for sale. If the petitioner had been released on bail, he will involve in similar offence and hence strongly objected to let the accused on bail.

4. Considering period of incarceration and considering Cool Lip – 10 Pockets had been seized and considering the nature and gravity of offence and considering other circumstance of the case, this Court is inclined to grant bail to the petitioner.

5. In the result, this petition is allowed with the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.15,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Mannargudi.
- (ii) The petitioner and the sureties each shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) The petitioner shall report before the Inspector of Police, Vikkirapandiyam Police Station daily at 10.30 a.m., for a period of one month from the date of release.
- (iv) The petitioner shall not tamper with evidence of witnesses either during investigation or trial.
- (v) The petitioner shall not abscond either during investigation or 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 is released on bail by the learned Magistrate/Trial Court as laid down by the Hon'ble Supreme court in P.K. Shaji .Vs. State of Kerala ((2005) AIR SCW 5560)
- (vii) If the petitioner/accused thereafter abscond, a fresh FIR can be registered under section 229 A IPC.

Pronounced by me, this the 20th day of October 2022.

**Sd./- M. Shanthi,
Principal Sessions Judge,
Thiruvavarur.**

// True Copy //

Sherishtadar.

Copy to (Through E-mail):

The Judicial Magistrate No.II, Mannargudi. (For Compliance Report)

The counsel for the Petitioner.

The Inspector of Police, Vikkirapandiyam Police Station.