

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI
Present : Thiru.R.GURUMURTHY., B.Sc., B.L.,
Principal Sessions Judge, Thoothukudi
Monday the 17th day of October 2022
Cr.M.P.No.5662/2022

Esakkiammal (Age 46/22)
S/o. Balamurugan,
Valluvar Nagar, Kadalayoor Road,
Kovilpatti, Thoothukudi District.

..Petitioner/Accused

-Vs-

State : The Inspector of Police,
Kovilpatti East P.S., Thoothukudi District.
Crime No. 442/2022

...Respondent/Complainant

Petition u/s.439 Cr.P.C., filed on 11-10-2022, prays for grant bail to the Petitioner/accused. This Petition is coming on this day for final hearing before me in the presence of Thiru.L. Mamulraja, Advocate for the Petitioner/accused and objection made by the learned Public Prosecutor are heard and this court delivered the following...

O R D E R

This petition has been filed by the petitioner/accused u/s. 439 of Cr.P.C. to release the petitioner/accused on bail.

The petitioner/accused is alleged to have committed the offences u/s. and 328 of I.P.C and u/s. 24(1) of Cigarette and Other Tobacco Products Acts 2003 and the date of occurrence is on 02.10.2022. The petitioner/accused was arrested and remanded to judicial custody on 02.10.2022.

Heard both sides. Perused the records.

The case of the prosecution is that on 02.10.2022 the petitioner was found in illegal possession of 26 pockets of various brands of government banned poisonous tobacco products, worth about Rs.650/- in his petty shop.

The learned Counsel for the petitioner would submit that this petitioner is the single accused in this case and she is an innocent and she has not at all committed any offence as alleged by the prosecution and that for statistical purpose only, false case has been foisted against the petitioner and that no previous case is pending against the petitioner and that he has been in custody from 02.10.2022 i.e. for the past

16 days and that she is ready and willing to furnish sufficient sureties for her release on bail and that the learned Counsel orally undertakes to deposit a sum of Rs.10,000/- as non-refundable deposit to the Mediation and Conciliation Centre, Thoothukudi and therefore he prays that the petitioner may be released on bail.

The learned Public Prosecutor has raised strong objections to release the petitioner on bail by stating the petitioner was found in illegal possession of 26 pockets of government banned poisonous tobacco products, worth about Rs.650/-, in his petty shop, however he concedes that the entire tobacco products were seized and that no previous case is pending against the petitioner/accused.

Considering the above facts and circumstances of the case and the nature and gravity of offences and that the entire tobacco products, worth about Rs.680/- were seized and that this petitioner is a woman and that no previous case is pending against this petitioner/accused and that the learned Counsel for the petitioner/accused orally undertakes to deposit a sum of Rs.10,000/- as non-refundable deposit to the Mediation and Conciliation Centre, Thoothukudi and that upon recording the undertaking given by the petitioner's Counsel and that upon considering the incarceration period of the petitioner/accused that she has been in custody from 02.10.2022 onwards i.e. for the past 16 days, this Court is inclined to grant bail to the petitioner/accused with conditions:-

i) In the result, the petitioner/accused is ordered to be released on bail on her executing a bond for Rs.10,000/- with two sureties each for the likesum to the satisfaction of the learned Judicial Magistrate Court No.II at Kovilpatti ;

ii) that the petitioner/accused shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit to the Mediation and Conciliation Centre, Thoothukudi and he shall produce the Receipt for the payment of the above deposit, along with surety memo before the learned Judicial Magistrate No.II at Kovilpatti;

iii) that the petitioner/accused shall report and sign before the respondent police station daily at 10.00 a.m for a period of one month from the date of her release ;

iv) that on breach of the aforesaid conditions, the learned Judicial Magistrate is entitled to take appropriate action against the petitioner/accused in accordance with law as if the conditions have been imposed by himself as laid down by **The Hon'ble Supreme Court in P.K.Shaji .vs. State of Kerala (2005 AIR SCW 5560)** ;

v) that if the petitioner/accused, thereafter abscond, a fresh F.I.R can be registered against her u/s. 229(A) of I.P.C.

Pronounced by me in the Open Court this the 17th day of October 2022.

Principal Sessions Judge
Thoothukudi.

To

- The Judicial Magistrate No.II, Kovilpatti
- The Inspector of Police, Kovilpatti East P.S., Thoothukudi.
- The Supdt. Of Sub Jail, Kovilpatti.
- The Advocate for the petitioner.