



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9422 of 2020

A.VEERAMANI

... PETITIONER/ACCUSED NO.2

VS

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
MALAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
REF: CRIME NO.262 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.N.Annadurai,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.262 of 2020 on the file of the Respondent Police.

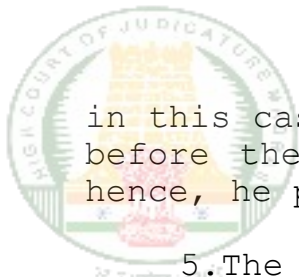
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 273, 284, 328 of the Indian Penal Code and Section 7 and 20(1) of the Cigarettes and other Tobacco Products Act, 2003, in Crime No.262 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.08.2020 the respondent police intercepted the vehicle bearing Registration No.TN-07-BH-7067, A1 having possession of 13.05 Kgs of Tobacco products. Based on the information the respondent police seized the contraband and also arrested A1. Hence, the crime has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that based on the confession given by A1, A2 was falsely implicated



in this case. He further submitted that A1 already released on bail before the Principal District and Sessions Judge, Pudukkottai and hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is a owner of the shop and contraband weighing about 13.5 Kgs seized by the respondent police and A1 was already released on bail.

6.Considering the facts and circumstances of the case and also considering fact that A1 was already arrested and released on bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, Pudukkottai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties 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;

(b)the petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
ALANGUDI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3 THE SUB-INSPECTOR OF POLICE,
MALAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANNADURAI, Advocate (SR-6424[I] dated 15/09/2020)

ORDER
IN
CRL OP(MD) No.9422 of 2020
Date :11/09/2020

VSD
JM/AKM/SAR I/15.09.2020/3P/6C