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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.15458 of 2020

Selvakumar

... Petitioner/Accused No.3

Vs.

The State Rep. by
The Inspector of Police,
Kulasekara Pattinam Police Station,
Tuticorin District.
Crime No.245 of 2020

... Respondent/Complainant

For Petitioner : Mr.Senthil Sankara Nathakumar,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.245 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under section 328 IPC and Section 6(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.245 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 410 kgs of Tobacco products without valid license. Hence, the present complaint.

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 and A2, the petitioner are

falsely implicated in this case. The respondent police did not recover any contraband from the petitioner. The petitioner is not having any previous case.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that A1 and A2 were arrested and remanded to judicial custody. Therefore, the custodial interrogation of the petitioner is also necessary in this case. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non refundable deposit of Rs.1,50,000/- (Rupees One lakh Fifty thousand only) to the credit of Arignar Anna Cancer Institute, Kanchipuram, without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood related 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 stay at Palani and report before the Palani Town Police Station daily at 10.30 a.m. for a period of four weeks and thereafter shall report before the respondent police for a period of four weeks and thereafter 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.

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sd/-
22/12/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KULASEKARA PATTINAM POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
ARIGNAR ANNA CANCER INSTITUTE,
KANCHIPURAM.

ORDER
IN
CRL OP(MD) No.15458 of 2020
Date :22/12/2020

VSD
TE/SMA/SAR-I : 07/01/2021 : 3P/6C