



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/02/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD). No.497 of 2021**

Jayaseelan

... Petitioner/Accused No.1

Vs

The State rep.by  
The Inspector of Police,  
Nazareth Police Station,  
Thoothukudi District.  
Crime No. 275 of 2020.

... Respondent/Complainant

For Petitioner : Mr.B.Fazil Kirmani,  
Advocate.

For Respondent : Mr.M.Chandra Sekaran,  
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.275 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 328 of I.P.C. and Sections 6(b) and 24(1) of Cigarette and Tobacco Products Act, 2003, in Crime No.275 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on the secret information, the respondent along with other police officials inspected the Baby Alis Flora's Home. On the seeing the police, A2 escaped from the scene of occurrence. The respondent police seized 37 white bags weighing 35 kilo gram tobacco leaves. Accused persons



kept the said prohibited tobacco leaves in the said premise. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the respondent police inspected the premises and seized some articles but they were used for manufacturing of snuff power. The petitioner did not allege any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor submits that A2 is still absconding. The respondent seized 35 Kilo Grams of tobacco leaves and it is worth about more than three lakhs. The custodial interrogation of the petitioner is warranted in this case.

6.Considering the above 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 draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.1,00,000/- (Rupees One Lakh only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order before the learned Judicial Magistrate, Sathankulam, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m for a period of two 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.

sd/-

01/02/2021

/ TRUE COPY /

/ /2021

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, SATHANKULAM.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,  
NAZARETH POLICE STATION,  
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,  
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

ORDER

IN

CRL OP(MD) No.497 of 2021

Date : 01/02/2021

IAS

AE/SMA/SAR-I (04/02/2021) 3P / 6C