



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

Date : 12/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3898 of 2021

R.Ramakrishnan

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
Crime No.11 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Nagarajan,
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.11 of 2021 on the file of the Respondent Police.

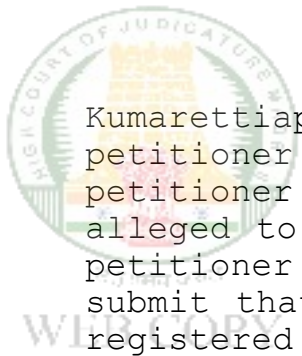
ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 328 of IPC and Section 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.11 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.03.2021, when the respondent police in patrol, at that time, based on the secret information, went to the godown of the petitioner and found Tobacco products, seized the same, which worth about Rs.4,00,000/-. 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 would submit that the petitioner is doing the business of manufacturing and selling of food product in the name and style of "RK Foods" in



Kumarettiapuram, Sattur, Virudhunagar District. Further, the petitioner obtained 'FSSAI' Certificate for his product. When the petitioner was away from Kumarettiapuram, the respondent Police, alleged to have seized the tobacco products from the godown of the petitioner and registered the above false case. He would further submit that due to business rivalry, this false complaint has been registered by the respondent. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel seeks the relief of anticipatory bail, in favour of the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on 08.03.2021, when the respondent police in patrol, at that time, based on the secret information, went to the godown of the petitioner, found Tobacco products, seized the same, which worth about Rs.4,00,000/- and the investigation is going on. He would further submit that there is no previous case pending as against the petitioner.

6.Considering the facts and circumstances of the case and that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Annai Illam, No.1, Dinamani Nagar, Koodal Nagar, Madurai. 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 Judicial Magistrate No.II, Sattur, Virudhunagar District, on condition that the petitioner shall execute 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 am., 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



(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/-
12/03/2021

/ 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 NO.II, SATTUR,
VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ANNAI ILLAM, NO.1, DINAMANI NAGAR,
KODAL NAGAR, MADURAI.

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-2069[I] dated 15/03/2021)

ORDER IN
CRL OP(MD) No.3898 of 2021
Date :12/03/2021

RMK

<https://hcs.csls.gov.in/hcs/2021/3P.7C>