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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) . No.6922 of 2021

Rethinam ... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Sub Inspector of Police,
Cantonment Police Station,
Trichy City.
(Crime No.574 of 2021). ... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

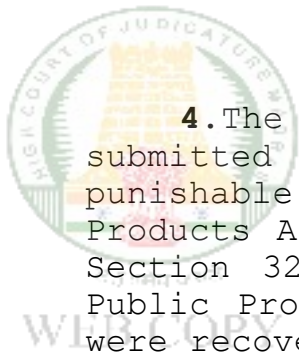
For Anticipatory Bail in Crime No.574 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest by the respondent police for an alleged offence punishable under Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.574 of 2021 has filed the present anticipatory bail petition.

2.The case of the prosecution is that the accused persons had stored tobacco products in a godown. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3.The learned counsel appearing on behalf of the petitioner submitted that the petitioner has nothing to do with the alleged offence and he is only running a grocery shop in the locality.



4.The learned Additional Public Prosecutor, on instructions, submitted that initially, the FIR was registered for the offence punishable under Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 and later, it was altered and the offence under Section 328 of IPC has also been added. The learned Additional Public Prosecutor further submitted that totally 9300 hans packets were recovered from the godown and according to the prosecution, the petitioner is the owner of the godown. It was further submitted that A2 was arrested and remanded to judicial custody and later, he was enlarged on bail.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the entire tobacco products have been recovered and the co-accused has been enlarged on bail and there is one previous case against the petitioner registered in the year 2019 for a similar offence, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Trichy, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police every Monday and Friday, at 11.00 a.m., for a period of four weeks and thereafter as and when required;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/06/2021

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/ /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, TRICHY.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.LENIN KUMAR, Advocate SR.No.3828

ORDER
IN
CRL OP(MD) No.6922 of 2021
Date :03/06/2021

SM
AE/PN/SAR-III/08.06.2021/3P/6C