



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14458 of 2021

Booranakumar

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.404 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy Pandiyan.G.,
Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No. 404 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 353 of IPC and Section 6 of Cigarette and other Tobacco Products Acts, 2003, in Crime No.404 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the respondent police was on surveillance, they intercepted an Auto bearing Registration No.TN-65-AD-6009. When they enquired about the goods therein, the driver escaped from the police. The respondent police followed the auto driver and found huge quantity of Tobacco weight about 38.556 kg worth about Rs.57,750/- in the house of one Thangaraj and recovered the same.



3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, states that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioner shall not tamper with the 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/-
30/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
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. JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14458 of 2021
Date :30/09/2021

SP/SKN/SAR III/12/10/2021/3P/5C