



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.16946 of 2021

Chidhambaranathan

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.391/2021).

... Respondent/Complainant

For Petitioner : M/s.A.Joel Paul Antony, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

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

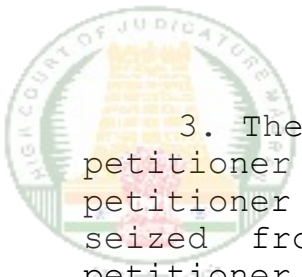
PRAYER :-

For Anticipatory Bail in Crime No.391 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 IPC and 6(a), 6(b), 7(2), 7(5) & 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Cr.No.391 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused A1 and A2 were doing business of prohibited tobacco products and A3 was selling the tobacco products in wholesale manner and supplied the same to A1 and A2 and other accused persons had aided the business, by way of keeping the prohibited products in their houses. Hence, the present complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner for statistical purpose. The prohibited products were not seized from him. Hence, he seeks anticipatory bail to the petitioner.

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioner is the main accused in this case, that the investigation is not yet completed and that he is having one similar case at his credit.

5. Considering the facts and circumstances of this case and also the facts that the case properties were already recovered, that co-accused A2 was arrested and enlarged on bail by the jurisdictional Magistrate, that A6 was also enlarged on anticipatory bail, that the petitioner is having one previous case of similar nature, registered in the same month subsequent to the registration of the present case and that the petitioner is not having any previous case of similar or serious offence, this Court is inclined to grant bail to the petitioner, with certain conditions.

6. Accordingly, 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, Thiruvaiyaru, 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 respondent Police or to the Police Officer, who intends to arrest or 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 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 one month 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

Sd/-
16/11/2021

/ /2021
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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,
THIRUVAIYARU.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16946 of 2021
Date :16/11/2021

SP/PN/SAR I/24/11/2021/3P/5C