



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.17511 of 2021

WEB COPY

V.Soundar Raj @ Soundar @ Soundarajan ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.677/2021).

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

For Respondent : Mr.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.677 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 r/w 6(a), 6(b) of Cigarette and other Tobacco Products Acts, 2003, in Cr.No.677 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused A1 and A2 gave the banned tobacco products to the petitioner for sale. On 21.10.2021, petitioner and other accused persons were found in illegal possession of 11 bags of Hans and 2 Vimal bags. 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. Co-accused were already enlarged on bail. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the accused persons were arrested and 600 pockets of tobacco products were seized from them. The petitioner is having one similar case at his credit.



5.Considering the facts that the co-accused viz., A1 and A2 were arrested and enlarged on bail by the jurisdictional Magistrate and that the case properties were already recovered, 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 No.II, Thanjavur, 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 shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b)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;

(c)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.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/11/2021

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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,
Thanjavur.
- 2.The Chief Judicial Magistrate,
Thanjavur @ Kumbakonam.
- 3.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

THE OFFICER IN-CHARGE,
CHIEF MINISTER'S PUBLIC RELIEF FUND (CMPRF),
SECRETARIAT,
CHENNAI-9.

+1. CC to M/S.SIVABALAN K Advocate SR.No.8201

ORDER IN
CRL OP(MD) No.17511 of 2021
Date :16/11/2021

RS/JC/SAR1 (22.11.2021) 3P 7C

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