



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

Date : 25/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17597 of 2021

Muneeswaran

... Petitioner/Sole Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(Crime No.179 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
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. 179 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 IPC r/w 6(b), 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Cr.No.179 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that based on the complaint given by the Village Administrative Officer on 14.10.2021 at 06.00hours, the respondent police revealed that the accused persons had possessed the prohibited tobacco products illegally and the respondent police intercepted the petitioner's vehicle bearing registration number TN 36 AK 0241 and found 1500kgs of tobacco products, which was transported from the wholesale dealer. 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 co-accused were already arrested and released on bail. Hence, he seeks anticipatory bail to



4.The learned Government Advocate (Crl.Side) would submit that the investigation is not yet completed and that he is not having any previous case at his credit.

5.Considering the nature of charges levelled against the petitioner and also the facts that the case properties have already been recovered, that the co-accused ie., A1 to A3 were arrested and enlarged on bail by this Court and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory 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.I, Virudhunagar, 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.

sd/-

25/11/2021

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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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.KARUNANITHI, Advocate (SR-8562[I] dated 26/11/2021)

ORDER
IN
CRL OP(MD) No.17597 of 2021
Date :25/11/2021

PNM
MS/PN/SAR-2/30.11.2021/3P.6C