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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18202 of 2021

Muneeshwaran

... Petitioner/Accused No.2

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Prabha S, Advocate.

For Respondent : M/s.SS.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/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 of IPC and 6(b), 24(1) Cigarette and other Tobacco Products Acts, 2003, in Crime No.179 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 04.10.2021, when the respondent police conducted inspection based on secrete information, they found that the accused were in possession of Tobacco products packed in plastic bags in 312 gram of Ganesh and 40 packets of Tobacco. Hence, this petition.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that co-accused was already released on bail.

4.The learned Government Advocate(Crl.Side) would submit that property was recovered and no previous case is pending against the petitioner and that the co-accused was already released on bail.

5.Considering the facts and circumstances of the case and considering the fact that the property was recovered, that no previous case is pending against the petitioner and that co-accused was already released on bail, 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.II, Sathur, 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.

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

dss

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 LEARNED JUDICIAL MAGISTRATE NO.II,
SATHUR, VIRUDHUNAGAR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
 3. THE INSPECTOR OF POLICE,
VACHAKARAAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRABHA S Advocate SR.No.8419

ORDER
IN
CRL OP(MD) No.18202 of 2021
Date :22/11/2021

SP/VR/SAR I/26/11/2021/3P/6C

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