



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1607 of 2022

Thirumurugan

... Petitioner

Versus

State represented by
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.9 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.9 of 2022 on the file of the Inspector of Police, Gangavalli Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

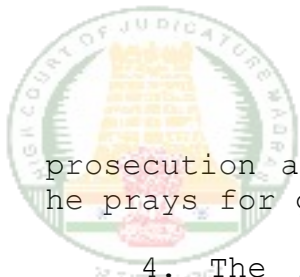
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 7(5), 20(2) Cigarette and other Tobacco Products Acts 2003 and 328 IPC in Crime No.9 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 14.01.2022 near Canara Bank, Thedavur, the respondent police found A1 Arumugam, A2 Thirumurugan and A3 unnamed Accused were shifting the hans bundles from Container HR-66 A 0281 to White colour Boliro pickup van, on seeing the police, A2 and A3 ran away from SOC, the respondent police arrested A1 Arumugam and seized Tobacco products kept in the said container and the Boliro pick up van and seized 28 bags of VimalPan masala product, 38 bags of Hans tobacco products from Boliro pick up van, 29 bags of V-1 tobacco products, 4 bags of Ganesh tobacco products from the said container. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the



prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner seized so many products. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.2, Attur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Legal Services Authority, Salem within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[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 is directed to report before the respondent police daily at 10.30 a.m., until further orders;

[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 anticipatory 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
25/01/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.2,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
LEGAL SERVICES AUTHORITY, SALEM.

6 THE SECRETARY,
HIGH COURT LEGAL SERVICES COMMITTEE,
HIGH COURT, MADRAS.

+1 CC to M/S B.VASUDEVAN Advocate on payment of necessary charges SR.NO.1187

CRL OP.1607/2022

Date :25/01/2022

INBA~07/02/2022