



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2773 of 2022

Thaveethu Rajasekar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.530/2021).

... Respondent/Complainant

For Petitioner : M/s.Sasidharan Tamilkani S.T.,
Advocate.

For Respondent : Mr.Muthumanickam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 530 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

2.The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 482,486 and 420 IPC in Crime No.530 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the defacto complainant is a sales representative of Syed Beedy Company. When the sales of Syed Beedies was found down, he inspected all the shops and identified duplicate beedies. Hence, he made complaint against the petitioner. The respondent police registered a case in Crime No.530 of 2021. Hence, this petition.



4.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as mentioned in the complaint.

5.The learned counsel appearing for the respondent would submit based on the complaint given by one Perumal, a case has been registered as against the petitioner in Crime No.530 of 2021, on 24.08.2021. He would further submit that 160 bundles of fake beedies, worth Rs.16,000/- has been recovered from the petitioner.

6.Considering the nature of charges levelled as against the petitioner and also considering the fact that the properties have already been recovered from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.16,000/- (Rupees Sixteen Thousand only) to the credit of Crime No.530 of 2021, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court, Alangulam, Tenkasi District.

8.On production of such receipt/acknowledgment, 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 Court, Alangulam, Tenkasi District, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

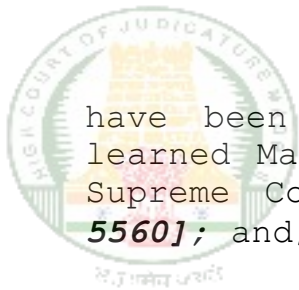
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(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 the 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 petitioners 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/02/2022

/ TRUE COPY /

/ /2022

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,
ALANGULAM, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.S.T.SASIDHARAN TAMILKANI, Advocate (SR.No.8414)

ORDER

IN

CRL OP(MD) No.2773 of 2022

Date :23/02/2022

RS/PN/SAR.4(28.02.2022) 3P-6C