



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

Date : 10.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4605 of 2022

WEB COPY

Ramakrishnan

... Petitioner/Accused No.1

Vs

State represented by
The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.71 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Jothibasau,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.71 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(b) and 24(1) of Cigarette and other Tobacco Products Acts, 2003, and 328 IPC, in Crime No.71 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the second accused was found in illegal possession of Tobacco products worth about Rs.14,652/-, he told the defacto complainant that the petitioner had given the Tobacco products to the second accused for selling. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the second accused was arrested and released on bail.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is having one previous case for similar in nature and that the property has been recovered.



5.Considering the nature of charges levelled against the petitioner and also the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court No.I, Sivakasi.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on 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 No.I, Sivakasi, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days 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 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]**.

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

sd/-

10/03/2022

/ 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.

WEB COPY

- TO
- 1.The Judicial Magistrate No.I,
Sivakasi.
 - 2.Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
 - 3.The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
 - 4.The Officer Incharge,
Advocates Welfare Fund,
Madurai Bench of Madras High Court,
Madurai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-1896[I] dated 10/03/2022)

ORDER
IN
CRL OP(MD) No.4605 of 2022
Date :10/03/2022

RS/SBN/SAR.1(16.03.2022) 3P-7C