



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5322 of 2022

Velraj

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
Crime No.27 of 2022.

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.27 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 328 IPC r/w 6(b) and 24(1) Cigarette and Other Tobacco Products Acts, 2003, in Crime No.27 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned items like Pan Masala, Bullet Rani and other products. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was running a petty shop near the police station and that they have been registering the cases for statistical purpose continuously. He would further submit that only on the basis of the confession statement given by A1, he was implicated in the present case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the property was recovered from the



first accused and that on the basis of the confession given by him, the petitioner was added as an accused. He would further submit that the the petitioner is having 8 previous cases, in which, six cases were already disposed of and the first accused had pleaded guilty and was convicted.

WEB COPY

5.Considering the nature of charges levelled against the petitioner and also the facts that the property has been recovered and that except the confession statement given by the first accused, there is no other material to implicate the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five 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.II, Sattur.

7.On production of such receipt/acknowledgment, the petitioners are 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 No.II, Sattur, on condition that the petitioners 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 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 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/-
22/03/2022

/ TRUE COPY /

WEB 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 NO.II,
SATTUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023.

+1 CC to MR.S.POORNACHANDRAN, Advocate (SR-2325[I] dated 22/03/2022)

ORDER
IN
CRL OP(MD) No.5322 of 2022
Date :22/03/2022

DAS
MK/VR/SAR.IV/25.03.2022/3P/7C