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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.04.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.6533 of 2022

S.Maharajan ... Petitioner/ Accused No.3

Vs

The State represented by
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
(Crime No.138 of 2022) ... Respondent/ Complainant

For Petitioner : Mr.R.Anand,
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.138 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 IPC r/w 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.138 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.04.2022, the petitioner along with other accused sold the cool lip to the defacto complainant as if he consumed the sascha of cool lip, he will have an effective memory power and that after consuming the same, the defacto complainant developed vomiting and his conscious also slowly got punctuated to a down level. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was no recovery from the petitioner and he was implicated only on the basis of the confession alleged to have taken from the co-accused.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having five previous cases for similar offence and that the accused 1 and 2 were already released on bail.

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

6.Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Thoothukudi.

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 No.II, Thoothukudi, 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 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].**

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

sd/-
12/04/2022

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/ /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,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH,
CHENNAI-9.

+1 CC to Mr.R.ANAND, Advocate (SR-3317[I] dated 12/04/2022)

ORDER
IN
CRL OP(MD) No.6533 of 2022
Date :12/04/2022

CSM
MK/VR/SAR.I/20.04.2022/3P/7C

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