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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6987 of 2022

Mariselvam

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(Crime No.73 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N.,
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.73 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 IPC r/w Section 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Cr.No.73 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of banned Ganesh Tobacco and Pan Masala. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and released on bail by the Sessions Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the property has been recovered.



5.Considering the nature of the charges levelled against the petitioner, that the property has been recovered and also the fact that A1 was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

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6.Accordingly, the petitioner shall pay 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 Judicial Magistrate Court No.II, Sattur, Virudhunagar District.

7.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 No.II, Sattur, Virudhunagar District, 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 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;

(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 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;

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

sd/-

19/04/2022

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR, VIRUDHUNAGAR DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMILNADU,
SECRETARIAT,
CHENNAI-9.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-3515[I] dated 19/04/2022)

ORDER
IN
CRL OP(MD) No.6987 of 2022
Date :19/04/2022

RS/VR/SAR.4 (22.04.2022) 3P-7C