



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7864 of 2022

1.Vasanth
2.Ajithkumar

... Petitioners/Accused 4 & 5

Vs

The State rep.by,
The Sub Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.203/2022.

... Respondent/Complainant

For Petitioners : MR.D.Shanmugaraja Sethupathi, Advocate
for Mr.M.Murali, 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.203 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7 (1) and 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC, in Cr.No.203 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of banned Tobacco Products numbering about 100 bags each containing 15 pockets. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. He would further submit that A1 and A3 were arrested and on the basis of the confession, the petitioners were



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

5.Considering the nature of charges levelled against the petitioners and also the facts that the property has been recovered and that the petitioners are not having any previous case for similar offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Melur.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Melur, 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 petitioners 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 petitioners 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 petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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/-
27/04/2022

/ 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,
MELUR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI 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.M.MURALI, Advocate (SR-3886[I] dated 27/04/2022)

ORDER
IN
CRL OP(MD) No.7864 of 2022
Date :27/04/2022

DAS
MK/JM/SAR.IV/02.05.2022/3P/7C