



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10300 of 2022

Murugesan ... Petitioner/Accused No.3
Vs.

State rep.by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.248 of 2022.. ... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.248 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 (b), 24(1) Cigarette and other Tobacco Products Acts, 2003 and 328 IPC, in Crime No.248 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of tobacco products worth about Rs.34,500/-. 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 the petitioner was falsely implicated only on the basis of the alleged
<https://hccs.courtsonline.in/hccs/CaseDetails.aspx?CaseNo=10300of2022> statement taken from the co-accused.



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

5.Considering the nature of charges levelled against the petitioner and also the facts that the property has been recovered, that the petitioner was implicated only on the basis of the confession allegedly taken from the co-accused and that the petitioner is not having any previous case for similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen 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 her rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Sivakasi.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or her 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, 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 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.

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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,
Sivakasi.
- 2.Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD) No.10300 of 2022
Date : 10/06/2022

TR/SKN/SAR-III(16.06.2022) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>