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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22.07.2022

PRESENT

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

CRL OP(MD). No.13237 of 2022

Kaliraj

... Petitioner/Accused No.2

Vs

The State represented by  
The Inspector of Police,  
Sattur Taluk Police Station,  
Virudhunagar District.  
(Crime No.134 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.T.Sasidharan Tamilkani, Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl. side).

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

PRAYER :-

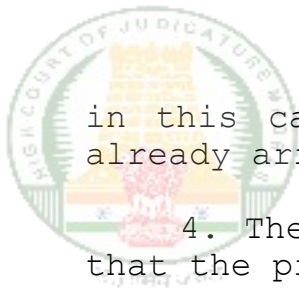
For Anticipatory Bail in Crime No.134 of 2022 on the file of the Respondent police.

**ORDER:** The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 328 IPC and Sections 6(b) & 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.134 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused had illegally been keeping banned tobacco products for selling. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated



in this case. He would further submit that the first accused is already arrested and released on bail.

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

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5. Considering the nature of charges levelled against the petitioner and also the facts that the property has been recovered and that the first accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall deposit a sum of **Rs.2,000/- (Rupees Two 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, 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 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 for a period of thirty (30) days 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 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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sd/-  
22/07/2022

/ TRUE COPY /

/07/2022

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

CSM

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

COPY TO

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

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-7537[I] dated 22/07/2022 )

ORDER  
IN  
CRL OP(MD) No.13237 of 2022  
Date :22/07/2022