



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.08.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.15456 of 2022

WEB COPY

Pommuraj @ Pommunayakkar

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.202 of 2022)

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu, 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.202 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 IPC and Sections 6(b) r/w 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.202 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.08.2022 at about 11.30 a.m., the petitioner was found in illegal possession of banned tobacco products. 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.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that property has been recovered and that the petitioner is having one previous case similar in nature.



5. Considering the nature of charges levelled against the petitioner and also the fact that 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.5,000/- (Rupees Five 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 Court No.I, Srivilliputhur.

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 Court No.I, Srivilliputhur, 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]**.

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

sd/-

26/08/2022

/ TRUE COPY /

/09/2022

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, 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
 - 3 THE INSPECTOR OF POLICE, WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE, CHIEF MINISTER PUBLIC RELIEF FUND,
STATE OF TAMILNADU, SECRETARIAT, CHENNAI-9.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-9237[I] dated 29/08/2022)

ORDER
IN
CRL OP(MD) No.15456 of 2022
Date :26/08/2022

CSM
RS/VR/SAR.2 (06.09.2022) 3P-7C