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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.15591 of 2022

Avudaiyammal @ Avudayammal

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Panavadalichatram Police Station,
Tenkasi District.
(Crime No.129 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karthick.R.J., 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.129 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 Sections 272, 273 and 328 IPC and Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, in Cr.No.129 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 20 grams Packets (15 in numbers) and 9 grams Packets (9 in numbers) of banned tobacco products in her petty shop. 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. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was in possession of 20 grams Packets (15 in numbers) and 9 grams Packets (9 in numbers) of banned tobacco products in her petty shop illegally. The petitioner was having five similar previous cases and all the cases, he was convicted. The investigation in this case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Sankarankovil.

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, Sankarankovil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 respondent police daily at 10.30 a.m., until further orders.

[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/-
27/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PANAVALALICHATRAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEADMISTRESS, GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

ORDER
IN
CRL OP(MD) No.15591 of 2022
Date :27/10/2022