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

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16010 of 2022

V.Eswaran

... Petitioner/Sole Accused

Vs.

State rep.by
The Sub Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.76/2022).

... Respondent/Complainant

For Petitioner : M/s. Rajaboopathy D,
Advocate.

For Respondent : Mr.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.76 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 offence punishable under Section 328 IPC and Sections 6(b), 24(1) of Cigarette and Tobacco Product Act, in Crime No. 76 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that on 27.08.2022, at about 01.30 pm., when the police party was doing raid, the petitioner was found selling banned tobacco products in the Shop of the accused. A case in Crime No.76 of 2022, was registered against the petitioner.

3. On the side of the petitioner, it is stated that the petitioner is innocent and a false case was foisted against the



petitioner. The property was not seized from the petitioner and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioner was found in possession of Tobacco products, he was trying to sell the same in a petti shop and prayed the petition to be dismissed. He fairly admitted that there is no previous case against the petitioner.

5. Considering the submission on both sides and considering the nature of the offence and considering the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.76 of 2022 before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, 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, Rajapalayam, Virudhunagar District, on condition that the petitioners 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., 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 be present before the Court on hearing dates and before the respondent police as and when required;

[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.

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Sd/-
06/09/2022

/09/2022

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

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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,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16010 of 2022
Date :06/09/2022

SP/SVR/SAR I/12/09/2022/3P/5C