



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

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16334 of 2022

Esakkipandi

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Junction Police Station,
Tirunelveli Town,
Tirunelveli District.
(Crime No. 239 of 2022).

... Respondent/Complainant

For Petitioner : M/s.C.Geetha, Advocate for
Mr. Angusamy V, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.239 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 IPC and Sections 6(a), 6(b) and 24(1) of Cigarette and other Tobacco Production Act, 2003, in Cr.No.239 of 2022 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 46 sachet of Vimal Pan Masala and 46 sachet of V.1. Tobacco, weighing about 5.380kgs. Hence, the complaint.

3.On the side of the petitioner, it is stated that A1 was already released on bail by this Court. The petitioner is only A2 and prayed the petitioner to be released on anticipatory bail.



4. On the side of the prosecution, it is stated the petitioner is having one previous case under IPC and A1 was already released on bail by this Court.

5. Considering the nature of the offence and on considering the fact that A1 was already released on bail, 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) to the credit of Crime No.239 of 2022 before the learned Judicial Magistrate No.4, Tirunelveli, without prejudice to his rights and contentions before the trial Court.

7. On 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 No.4, Tirunelveli, 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., for a period of two weeks 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.

sd/-

12/09/2022

/ 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 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.4,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
JUNCTION POLICE STATION,
TIRUNELVELI TOWN,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-9962[I] dated 14/09/2022)

ORDER

IN

CRL OP(MD) No.16334 of 2022

Date :12/09/2022

sj i

USK/VRS/SAR-II/15.09.2022/3P/6C