



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

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16514 of 2022

Mani

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Srivilliputtur Town Police Sttion,
Virudhunagar District,
in Crime No.380 of 2022.

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

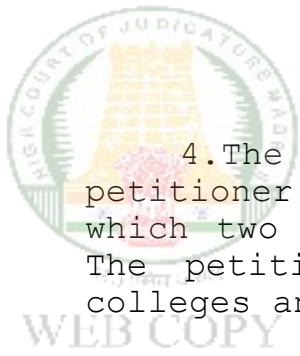
For Anticipatory Bail in Crime No. 380 of 2022 on the file of
the Respondent Police.

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 328 of IPC and 6(b) read with 24(1) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.380 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was in illegal possession of 19 packets of banned Tobacco products and a cash of Rs.1,630/-. Hence complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. The offence under Section 328 of IPC was included only to give a serious picture and pray the petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted that the petitioner is having 10 previous cases of similar nature, out of which two cases has been disposed of and other cases are pending. The petitioner has sold Tobacco products near the schools and colleges and pray the petition to be dismissed.

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

6.Accordingly, this petition is allowed and 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, Srivilliputhur, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am, until further orders;

(c)the petitioner shall not tamper with 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/09/2022

/ TRUE COPY /

/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-10009[I] dated
15/09/2022)

ORDER
IN
CRL OP(MD) No.16514 of 2022
Date :14/09/2022

PNN
USK/VR/SAR-I/19.09.2022/3P/6C