



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

Date : 24/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19359 of 2021

Prakash Patel,

... Petitioner/Accused No.1

Vs

THE STATE REP BY,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.567/2021).

... Respondent/Complainant

For Petitioner : Mr.C.M.Arumugam, 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.567 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 of IPC r/w 6(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 and 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Cr.No.567 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information given by the informant, on 25.11.2021, the respondent police conducted a vehicle check up on Tenkasi to Tirunelveli Main road and found A2 was in possession of 52 packets of banned tobacco products illegally. Based on the confession statement given by A2, the petitioner was implicated in the present case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the



petitioner. He would further submit that A2 and A3 were already granted bail by the Principal District Court, Tirunelveli. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the property has been recovered and that the petitioner is having five previous cases.

5.Considering the nature of charges levelled against the petitioner and also the facts that A2 and A3 were already granted bail by the Principal District Court, Tirunelveli, that the property has been recovered and that the petitioner is having one previous case for similar offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty 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, Tenkasi District.

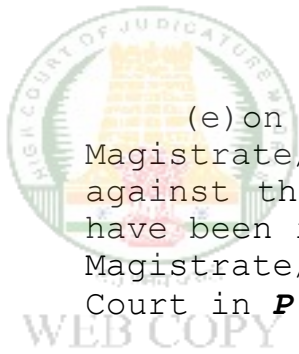
7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Tenkasi District, on condition that the petitioner 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

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

sd/-
24/02/2022

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

SJI

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

Copy To

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU
SECRETARIAT BRANCH,
CHENNAI -9.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-1483[I] dated 24/02/2022)

ORDER

IN

CRL OP(MD) No.19359 of 2021

Date : 24/02/2022