



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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI
CRL OP(MD). No.17747 of 2022

WEB COPY

Dinakar Saiman

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Thiyasanvilai Police Station,
Tirunelveli District.
(Cr No.245/2022).

... Respondent/Complainant

For Petitioner : Mr.Sathya Chidambaram S,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.245/2022 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section
24(1) of Cigarette and other Tobacco Products Act and Section 77 of
Juvenile Justice (Care and Protection of Children) Act, in Crime
No.245 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent
police was on their routine patrol duty near Hindu Primary School on
05.09.2022 at about 14.00 hours, they seized 53 pockets of Ganesh
Tobacco Products from the petitioner's shop, which are banned by the
Tamilnadu Government. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case.

4.The learned Government Advocate (Crl.side) appearing for the
respondent police submitted that it is heinous offence and the
petitioner is selling the banned tobacco products illegally and the
petitioner is having four previous cases similar in nature.



5.Considering the facts and circumstances of the case the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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, Radhapuram, Tirunelveli 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall pay a sum of **Rs.40,000/- (Rupees Forty Thousand only) to the credit of Karthika Public Educational and Charitable Trust, Savings Bank Account No.497663303, Indian Bank, Mayiladuthurai, IFSC Code : IDIB000M023**, without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

sd/-

06/10/2022

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/10/2022

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

IAS



TO

1. The Judicial Magistrate,
Radhapuram,
Tirunelveli District.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Thiyasanvilai Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer In-Charge,
Karthika Public Educational and Charitable Trust,
Mayiladuthurai.

+1 CC to M/s.S.SATHYACHIDAMBARAM, Advocate (SR-11118[I] dated
10/10/2022)

ORDER

IN

CRL OP(MD) No.17747 of 2022

Date :06/10/2022

RD/SVR(11/10/2022) 3P 7C