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CRL OP(MD). N



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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.17802 of 2022

Sivaguru Senthil Prabu

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No. 368 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Muthukannan.B,
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 Crime No. 368 of 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 328 of IPC and Sections 7(1) and 20(1) of Cigarette and other Tobacco Products Act, in Crime No.368 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police were doing vehicle check up on receiving secret information, seized 330 pockets of Ganesh 70 tobacco premium. Hence, the complaint.

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

<https://www.mhcn.org.in/case>.



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

5.Considering the facts and circumstances of the case and 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 No.II, Usilampatti, Madurai, 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.25,000/- (Rupees Twenty Five Thousand only)** to the credit of **Aram Seya Virumbu, Account No: 423150050800264, Tamilnadu Mercantile Bank, Ambasamudram Branch, IFSC Code : TMBL0000423**, 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 Sunday at 10.30 a.m., for a period of four 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.



TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

5 THE OFFICER INCHARGE,
ARAM SEYA VIRUMBU, AMBASAMUDRAM.

+1. CC to M/S.MUTHUKANNAN.B Advocate SR.No.11122

ORDER

IN

CRL OP(MD) No.17802 of 2022

Date :06/10/2022

SS/TR/11/10/2022/ 3P 7C