



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/10/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18191 of 2022

Muniselvam

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Cr No.98/2022).

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,
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 Cr No.98/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 272, 273 and 328 IPC in Crime No.98 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have transported 345 packets of tobacco products. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of A1, the petitioner has been arrayed as A2 in this case and he is innocent and he has been falsely implicated in this case. He would further submit that A1 was already arrested and released on bail. However, the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and other accused have transported 345 packets of tobacco products illegally. He would further submit that the petitioner is having nine previous cases,



out of which, 7 cases were already disposed of and two are pending and the investigation in this case is pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the **Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District.

7. On production of 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.II, Srivilliputtur, Virudhunagar District, 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 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 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/-

13/10/2022

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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,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.J.JEYA ARON RAJA, Advocate SR.No.11404

ORDER

IN

CRL OP(MD) No.18191 of 2022

Date :13/10/2022

SJI
SA/SBN/SAR.2/19.10.2022/3P/6C