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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP(MD).No.18566 of 2022

K.Samuthiram @ Samuthirapandi

... Petitioner/Accused No.1

Vs.

State Rep.by
The Inspector of Police,
Uthumalai Police Station,
Uthumalai,
Tenkasi District.
(Crime No.174 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Palani Velayutham, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

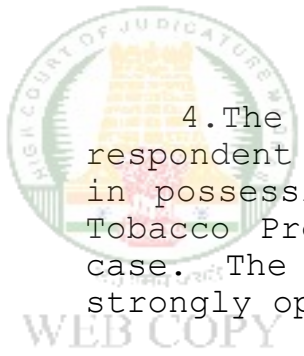
For Anticipatory Bail in Crime No.174 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 and 506(ii) IPC and Section 24(i) of Cigarette and Other Tobacco Products Act, 2003, in Cr.No.174 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 26kgs and 730 grams (81 packets) of 701 Ganesh Tobacco Products. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and other accused were in possession of 26kgs and 730 grams (81 packets) of 701 Ganesh Tobacco Products illegally. The petitioner is having no previous case. The investigation in this case is pending and hence, he strongly opposed to grant 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, but with certain conditions.

6.Accordingly, the petitioner is directed to deposit a sum of **Rs.1,000/- (Rupees One 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/acknowledgment before the learned Judicial Magistrate Court at Alangulam, Thenkasi 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 learned Judicial Magistrate Court at Alangulam, Thenkasi 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/10/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGULAM, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, UTHUMALAI POLICE STATION, UTHUMALAI, TENKASI 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.

ORDER
IN
CRL OP(MD) No.18566 of 2022
Date :19/10/2022

VSD
RS/VR/SAR.1(01.11.2022) 3P-6C