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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD) . No.18466 of 2022

Santhananallajegan @ Siva

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi.
(Crime No.347 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Manikandan P, Advocate.

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

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

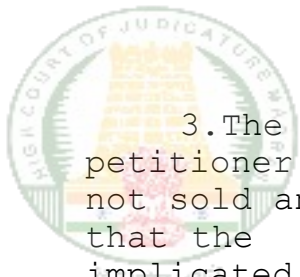
PRAYER :-

For Anticipatory bail in Crime No.347 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 offences punishable under Sections 273 and 328 of I.P.C and Section 24(1) of Cigarette and Other Tobacco Products Acts, 2003, in Crime No.347 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of poisonous Tobacco materials, which are banned by the State Government. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is running the small petty shop in his village and he is not sold any cigarette and tobacco products. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he may be granted anticipatory bail.

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4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the properties have been recovered and the petitioner is having two previous cases of similar in nature and the investigation is still 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 charges levelled against the petitioner and also the fact that the properties have been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the credit of Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Additional District Munsif Cum Judicial Magistrate, Sivagiri,

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 Additional District Munsif Cum Judicial Magistrate, Sivagiri, 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/-
17/10/2022

/ TRUE COPY /

/10/2022

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

cp

TO

1. THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, SIVAGIRI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TENKASI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, INDIAN ASSOCIATION FOR
THE BLIND, ALAGAR KOVIL ROAD,
SUNDARARAJANPATTI, MADURAI.

ORDER
IN
CRL OP(MD) No.18466 of 2022
Date :17/10/2022