



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18434 of 2022

1. ArvindGiri

2. Mohamed Abdul Salim

... Petitioners/Accused No.1,2

Vs

The State rep.by,
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No. 300 of 2022.

... Respondent/Complainant

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

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

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

PRAYER :-

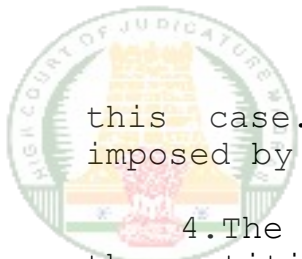
For Anticipatory Bail in Crime No.300 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 328 IPC r/w Sections 7(i) and 20(i) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.300 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 09.10.2022, the second petitioner drove the lorry and the same was met with an accident. Due to which, the respondent police came to the spot and made a search in the car and found the Ganesh tobacco products and panmasala, which are prohibited by the Tamil Nadu Government. The respondent police seized the said contraband and thereafter, registered the present case against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in



this case. However, the petitioners shall abide any order imposed by this Court.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners were in illegal possession of 616kgs of tobacco products, worth about Rs.2,00,000/- and the same was seized by the respondent police. He would further submit that the first petitioner/A1 is having no previous case and the second petitioner/A2 is having one previous and the investigation in this case is still pending. Hence, he strongly opposed to grant anticipatory bail.

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 petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) each to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai,** without prejudice to their rights and contentions before the trial Court and produce the receipt before the Judicial Magistrate, Vadipatti.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

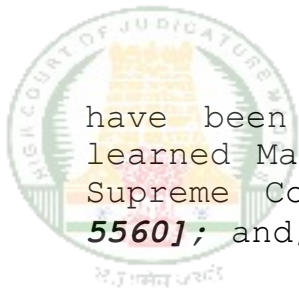
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail. 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

sjj

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-11618[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18434 of 2022

Date :18/10/2022

RK/GB/SAR- (31/10/2022) 3P/6C