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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.19187 of 2022

Raghavan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
Cr.No.950/2022.

... Respondent/Complainant

For Petitioner : M/s. Karuanakaran.K.M.,
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. 950/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 IPC r/w. 5, 7(1), 24(1) of Cigarettes and other Tobacco Products Act, 2003 in Cr.No.950 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that based on the complaint, the respondent police conducted vehicle check up and that the petitioner and other accused have found in possession of 180 Kgs of prohibited Tobacco products worth about Rs.3,50,000/-. 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 and his name has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit at totally three accused involved in this case and the property was recovered. He would further submit the co-accused has already been released on bail and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, Thanjavur, Thiruppuvanam, 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 respondent Police or to the Police Officer, who intends to arrest or 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 deposit a sum of Rs. 10,000/- (Rupees Ten Thousand only) to the Tamil Nadu Mediation and Conciliation Centre attached to this Court without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(c) the petitioner shall appear before the respondent police daily at 10.30 am until further orders;

(d)the petitioner shall not tamper with 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]**; and;



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(g)if the accused thereafter absconds, a fresh FIR registered under Section 229-A IPC.

sd/-
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/11/2022

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

trp

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-12118[I] dated
31/10/2022)

ORDER
IN
CRL OP(MD) No.19187 of 2022
Date :31/10/2022

RK/GB/SAR-3 (08/11/2022) 3P/6C