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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.20740 of 2021

VENGADESAN, ... PETITIONER/ACCUSED NO.1

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.

(CRIME NO. 391 OF 2021.) RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.DHILIPAN PANDIAN R.L.,
ADVOCATE.

FOR RESPONDENT : MR.S.MANIKANDAN
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

For Anticipatory Bail in Crime No.391 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 328 of IPC and Sections 6(a), 6(b), 7(2), 7(5) and 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.391 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the brother of the co-accused illegally kept large quantity of prohibited items, such as, hans and other Tobacco products in the grocery shop and when the respondent police along with his police party conducted raid on the shop, they recovered the same and registered a case against the petitioner and others for the aforesaid offences.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays to grant of anticipatory bail to the petitioner.

4. By the order dated 23.12.2021, it has been observed that the petitioner alleged to have supplied and sold prohibited tobacco products in the shop of the second accused, who is the brother of the petitioner.

5. According to the learned Government Advocate (Crl.Side), the shop is very nearer to the Government Hospital and Schools. Hence, he opposed to grant anticipatory bail to the petitioner.

6. It has been submitted by the learned counsel for the petitioner that simply because he is being the brother of the co-accused, he was arrayed as an accused and he has no way involved in the occurrence and no previous case similar in nature is pending against the petitioner.

7. It is seen that as per the direction of this Court, the learned counsel for the petitioner has also given an undertaking to the effect that the petitioner will not indulge in such activities in future and this affidavit is taken on file without prejudice to the right of the petitioner.

8. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. If any case is registered against the petitioner, the anticipatory bail petition shall stand cancelled automatically without reference to this court.

sd/-
31/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20740 of 2021
Date : 31/01/2022

GC/VR/SAR-2(03.02.2022) 3P 5C