



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . Nos.19604, 19605 of 2022

In both petitions:

Backiyaraj ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Mayanoor Police Station,
Karur District
(In Crime No.233, 250 of 2022).

... Respondent/Complainant

In both petitions:

For Petitioner : M/s.Subash Babu M,

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.233, 250 of 2022 on the file
of the Respondent Police

COMMON ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
273, 328 IPC and Section 24(1) of Cigarette and other Tobacco
Products Act, 2003, in Crime No.233 of 2022 and under Sections 328
IPC and Section 24(1) of Cigarette and other Tobacco Products Act,
2003, in Crime No.250 of 2022, seeks anticipatory bail.

2.The earlier anticipatory bail petitions filed by the
petitioner was dismissed by this Court on 29.09.2022, on the ground
that custodial interrogation of the petitioner is necessary to know
about the mode of transport of the banned tobacco products. Again,
the petitioner again approached this Court by filing these petitions



seeking anticipatory bail.

3.Today, when the matter is taken up for hearing, on the side of prosecution, it is stated that the petitioner has appeared before the respondent police, to find out the mode of transport. On investigation, it is found that the petitioner is not having any godown to store the banned tobacco products and he used his vehicle to transport the same. However, objection was raised to release him on anticipatory bail, since the petitioner is having previous case in Crime No.461 of 2021, on the file of Woraiyur Police Station, at his credit.

4.The learned counsel for the petitioner submitted that the alleged previous case ie., FIR in Crime No.461 of 2021 was quashed as per the order of this Court in CrI.O.P(MD)No.18069 of 2022. However, the petitioner has already filed an undertaking affidavit, to the effect that he will not indulge in any such activity in future.

5.In view of the above said development and considering the affidavit filed by the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail.

6.Accordingly, these Criminal Original Petition are allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Krishnarayapuram, on condition that in each case, 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 file an undertaking affidavit before the trial Court that he will not indulge in any kind of offence in future and he 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.

7.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 petitions for anticipatory bail stand dismissed.

sd/-

29/11/2022

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/12/2022

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



(In Crime No.2



2).

TO

1. The Judicial Magistrate, Krishnarayapuram.
2. -do-Through The Chief Judicial Magistrate,
Karur District
3. The Inspector of Police,
Mayanoor Police Station, Karur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-13897[I] dated
29/11/2022)

ORDER

IN

CRL OP(MD) No.19604 & 19605 of 2022
Date :29/11/2022

RD/BUC/SAR-I(08/12/2022) 3P 6C