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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP (MD) . No.19364 of 2022

Ulakai Siva @ Sivamperumal,

... Petitioner/Accused No.5

Vs

The State Rep.by

... Respondent/Complainant

For Petitioner : M/s.Balamurugan 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.260/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 24(1), 6(b) of Cigarette and other Tobacco Products Acts, 2003 (COTPA Act) and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.260 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused persons were found in possession of 99 Kg 870 grm of Tobacco products worth about Rs.1,71,120/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused were arrested and thereafter, released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally 5 accused are involved in this case. The petitioner is arrayed as A5. The petitioner and the other accused persons were found in possession of 99 Kg 870 grm of Tobacco products worth about Rs.1,71,120/-. The co-accused (A1 to A4) were already released on bail. But, however, the petitioner is having 5 previous cases and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

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

6.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Ambasamudram.

7.On production of such receipt, 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 Judicial Magistrate, Ambasamudram, 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 Aadhar card or Bank pass Book to ensure their identity;

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

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



(f) if the accused thereafter absconds, a fresh FIF be registered under Section 229-A IPC.



sd/-
02/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE
AMBASAMUDRAM.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
DISTRICT.
3. THE INSPECTOR OF POLICE
KADAYAM POLICE STATION, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to
The Headmistress, Government High School,
Sathyamoorthy Nagar, Madurai

+1. CC to M/S. BALAMURUGAN P Advocate SR.No.12411
ORDER
IN
CRL OP (MD) No.19364 of 2022
Date : 02/11/2022

MGJ(10.11.2022) 3P 7C