



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.19802 of 2022

S.Chellapandian @ Sellapandi

... Petitioner/2nd Accused

Vs

The State Rep.by
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.719 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J,
Advocate.

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

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

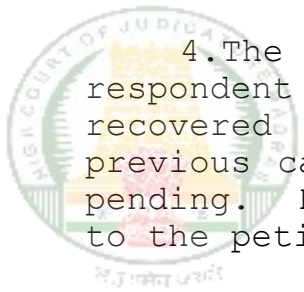
PRAYER :-For Anticipatory Bail in Crime No.719 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 273 and 328 of I.P.C and Section 24(1) of Cigarette and Other Tobacco Products Acts, 2003, in Crime No.719 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 12 kgs of banned Tobacco products. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the entire tobacco products has been seized from the first accused. Hence, he may be granted anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the properties have been recovered and the first accused and petitioner is having the previous cases of similar in nature and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the charges levelled against the petitioner and also the fact that the properties have been recovered from A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.6,000/- (Rupees Six Thousand only) **to the credit of District Siddha Medical Officer CCRIPKM (Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Additional District Munsif Cum Judicial Magistrate, Sivagiri,

7.On production of such receipt/acknowledgment, 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 No.I, Karur, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIF be registered under Section 229-A IPC.



sd/-
09/11/2022

/ TRUE COPY /

/11/2022

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
DISTRICT SIDDHA MEDICAL OFFICER, CCRI,
PERIYAKULAM.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-12871[I] dated
11/11/2022)

ORDER
IN
CRL OP(MD) No.19802 of 2022
Date :09/11/2022

TTA

MK/SSS/SAR 1/17.11.2022/3P/7C