



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 15/11/2022

PRESENT

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

CRL OP(MD) . No.20197 of 2022

Moses

... Petitioner/Accused No.1

Vs

The State represented by  
The Inspector of Police,  
Kundrakkudi Police Station,  
Sivagangai District  
(Crime No.116 of 2022).

... Respondent/Complainant

For Petitioner : M/s.N.Gayathri,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.116 of 2022 on the file of  
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the  
respondent police for the offences punishable under Sections 273 and  
328 IPC and Section 24(1) of COTP Act, 2003 in Crime No.116 of 2022,  
seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other  
accused were in illegal possession of 48 packets of Ganesh Tobacco,  
47 packets of Coolip, 100 packets of Hons, Vimal 50 packets and VI  
Tobacco 50 packets in his car for selling purpose to the public.  
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 A2 was already released on bail  
by this Court in Crl.O.P.(MD)No.20190 of 2022, dated 15.11.2022.  
However, he would further submit that the petitioner shall abide any  
condition imposed by this Court. Hence, he prays for anticipatory



4.The learned Additional Public Prosecutor strongly opposed this petition stating that there are two accused in this case and the petitioner is arrayed as A1 in this case and the petitioner along with A2 were in illegal possession of 48 packets of Ganesh Tobacco, 47 packets of Coolip, 100 packets of Hons, Vimal 50 packets and VI Tobacco 50 packets worth about Rs.71,500/- and the same was recovered. The petitioner is having one previous case.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that A2 was already 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.5,000/- (Rupees Five 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 Court, Karaikudi, Sivagangai District.

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 Court, Karaikudi, Sivagangai 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 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 FIR can be registered under Section 229-A IPC.

sd/-

15/11/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE  
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
KUNDRAKKUDI POLICE STATION, SIVAGANGAI 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.BANUMATHY A Advocate SR.No.13088

ORDER

IN

CRL OP(MD) No.20197 of 2022

Date :15/11/2022

SS/VR/SAR /24.11.2022/ 3P/ 7C