



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20514 of 2022

WEB COPY

Kalimuthu

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(Crime No.155 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muniyandi S, 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.155 of 2022 on the file of
the Respondent Police

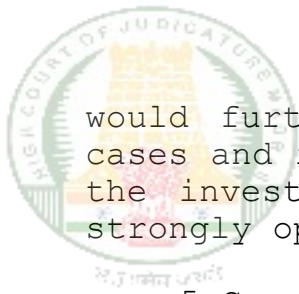
ORDER : The Court made the following order :-

The petitioner/2nd accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
353, 307 of IPC and Section 24(1) of the Cigarette and other TOBACCO
Products Act, 2003, in Crime No.155 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and other
accused were found in illegal possession of 65 pockets of Ganesh
Tobacco products and 48 pockets of cool lip. Hence, the complaint.

3.The learned counsel for the petitioner would submit that
based on the confession of the co-accused, the respondent police
implicated the petitioner in this case. Except the confession
statement of co-accused, there is no other material available to
connect the petitioner with the crime in question. He would further
submit that first accused was arrested and thereafter, released on
bail and the petitioner is an innocent and he has not committed any
offence as alleged by the prosecution. Hence, he may be granted
anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the
respondent police would submit that properties have been recovered.
The first accused was arrested and thereafter released on bail. He



would further submit that the petitioner is having four cases and in this case, five witnesses have been examined so far and the investigation in this case is not yet completed. 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 facts that properties have been recovered and the co-accused 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.10,000/- (Rupees Ten Thousand only) **to the credit of Officer-in-Charge, High Court Legal Services Committee, Madurai Bench of Madras High Court, Madurai, (S.B.A/c.No.496037387, IFSC : IDIB000H040, Indian Bank, High Court Branch, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Sattur.

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.II, Sattur, 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 registered under Section 229-A IPC.

sd/-
21/11/2022

/ TRUE COPY /

WEB COPY

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE, SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-13431[I] dated 22/11/2022)

ORDER
IN
CRL OP(MD) No.20514 of 2022
Date :21/11/2022

CP
RS/BUC/SAR.2 (29.11.2022) 3P-7C