



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

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PRESENT

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

CRL OP(MD). No.20481 of 2022

1. Palraj,

2. Balasankar @ Ravi, ... Petitioners/Accused Nos. 2 & 3

Vs

State Rep.by

The Sub Inspector of Police,

Ayyapuram Police Station,

Tenkasi District.

Crime No.72/2022.

... Respondent/Complainant

For Petitioner : M/s.Rathinavel Pandian J C, Advocate.

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

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

PRAYER :-

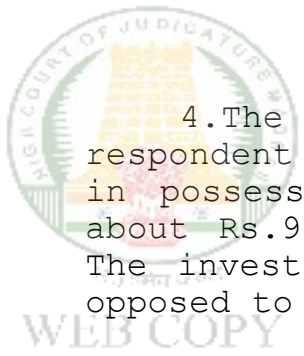
For Anticipatory Bail in Crime No.72/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 328 IPC and Section 24(1) of COTPA Act [Transport] in Crime No.72 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of 71.940kgs of Tobacco Products. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and only based on the confession statement of the co-accused, they have been arrayed as an accused in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he seeks anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) appearing as respondent would submit that the petitioners and other accused were in possession of 71.940kgs of Tobacco Products illegally worth about Rs.92,482/-. The petitioners are having two previous cases. The investigation in this case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6.Accordingly, the petitioners are directed to deposit a sum of **Rs.9,000/- (Rupees Nine Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Sankarankovil, Tenkasi District.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, Tenkasi District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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[f]If the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
18/11/2022

/ TRUE COPY /

/11/2022

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

TO

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

COPY TO

THE CHIEF COORDINATOR,
MEDIATION AND CONCILLIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.C.RATHINAVEL PANDIAN, Advocate (SR-13372[I] dated 21/11/2022)

ORDER
IN
CRL OP(MD) No.20481 of 2022
Date :18/11/2022

SJI
PKP/BUC/SAR-2/28.11.2022/3P/7C