



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2022

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PRESENT

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

CRL OP(MD). No.20698 of 2022

Karthikeyan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.159 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ramasamy S,
Advocate

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

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

PRAYER :-

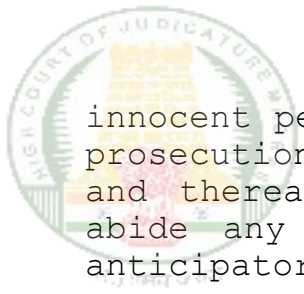
For Anticipatory Bail in Crime No.159 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/1st Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(1), 24(1) of Cigarette and Other Tobacco Products Act, 2003 and 328 of IPC and Section 77 of JJ Act, in Crime No.159 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of poisonous Tobacco products, which are banned by the Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the second accused, the petitioner was implicated in this case. The petitioner is an



innocent person and he did not commit any offence as alleged in the prosecution. He would further submit that A2 and A3 were arrested and thereafter, released on bail and the petitioner is ready to abide any condition imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.

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4.The learned Government Advocate (crl.Side) appearing for the respondent police would submit that the petitioner and other accused were in illegal possession of Tobacco Products worth about Rs.20,274/- and A2 and A3 were arrested and thereafter, released on bail. He would further submit that the petitioner is having fourteen previous cases, out of which, eight cases were disposed of 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 nature of offence and also the fact that co-accused were 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, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Melur.

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, Melur, 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/-

23/11/2022

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/12/2022

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

CP

TO

1. THE JUDICIAL MAGISTRATE, MELUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
MELAVALAVU POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL, MADURAI EAST.

+1 CC to M/s.S.RAMASAMY, Advocate (SR-13532[I] dated 23/11/2022)

ORDER

IN

CRL OP(MD) No.20698 of 2022

Date : 23/11/2022

RK/BUC/SAR-2 (07/12/2022) 3P/7C