



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21145 of 2022

Murugesan ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.524 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Anandan B,
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.524 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 273, 328 of IPC and sections 7(1), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.524 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.10.2022, the respondent Police team conducted a vehicle checkup and found that the accused were in illegal possession of banned tobacco products, worth about Rs.2,05,100/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.



4.The learned Government Advocate (crl.side) would submit that the accused were found in possession of banned tobacco products and the co-accused was already released on bail. He would further submit that no previous case is pending against the petitioner and the investigation 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 considering the nature of offence and also the facts that no previous case is pending against the petitioner and co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) **to the credit of the Chief Justice Relief Fund, payable in Accounts Section of the High Court Registry, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Pattukkottai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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**



(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
30/11/2022

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WEB COPY

/12/2022

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

cp

TO

- 1.The Judicial Magistrate, Pattukkottai
- 2.The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Registrar (Admin),
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.ANANDAN, Advocate (SR-14081[I] dated 01/12/2022)

ORDER
IN
CRL OP(MD) No.21145 of 2022
Date :30/11/2022

RD/BUC/SAR-II(08/12/2022) 3P 7C