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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21366 of 2022

Sivakumar,

... Petitioner/Accused No.3

Vs

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.K.Sanjay Gandhi,
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/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 273 and 328 IPC and Sections 7(1) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.524 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the co-accused were found in illegal possession of 198.700 kgs of banned tobacco products worth about Rs.2,05,100/-. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement of the co-accused. He would further submit that the co-accused has been enlarged on bail with a condition to deposit a sum of Rs.20,000/- to the credit of the Chief Educational Officer, Thanjavur. However, he

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would further submit that without prejudice to his defence the petitioner is prepared to deposit a sum of Rs.50,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the co-accused were found in illegal possession of 198.700 kgs of banned tobacco products worth about Rs.2,05,100/-. He would further submit that in respect of the co-accused, there is no previous case against him. As far as this petitioner is concerned, he has got two previous cases. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.50,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Thanjavur Medical College & Hospital, Thanjavur", without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Pattukkottai.

8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of three weeks from the date of receipt of a copy of this order, before the learned 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 learned Magistrate concerned and on further conditions that:

[a] 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m, until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



[d] the petitioner shall not tamper with evidence or 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 FIR can be registered under Section 229A IPC.

sd/-

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12/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN/MEDICAL OFFICER
THANJAVUR MEDICAL COLLEGE & HOSPITAL,
THANJAVUR.

ORDER

IN

CRL OP(MD) No.21366 of 2022

Date :09/12/2022

SJI

PKP/SSS/SAR- /12.12.2022/3P/6C