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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2022

PRESENT

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

CRL OP(MD) . No.21573 of 2022

Arumugam

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(Crime No.189 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Poornachandran S, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.189 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 328 IPC and Section 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.189 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of banned Tobacco Products worth about Rs.4,600/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. However, he is ready to abide any condition imposed upon him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner was found in illegal possession of banned Tobacco Products worth about Rs.4,600/-. The petitioner is a habitual offender and he is having 1 previous case similar in nature. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that he is ready to deposit Rs.10,000/- (Rupees Ten Thousand Only) donation for any welfare scheme run by any association.

6. Taking into consideration of the facts and circumstances the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC.CODE:IDIB000H040 Branch High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate - I, Virudhunagar.

8. 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-I, Virudhunagar, 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 everyday at 10.30 a.m., 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
06/12/2022

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/12/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES ASSOCIATION (MBHAA),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.14484

ORDER
IN
CRL OP(MD) No.21573 of 2022
Date :06/12/2022