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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.21567 of 2022

Karuppasamy

... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
(Crime No.504 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy Pandiyan G,
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.504 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 r/w Section 24(1) of Cigarette and other Tobacco Products Act,
2003, in Crime No.504 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 25 pockets of banned Tobacco Products worth about
Rs.120/-. 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. He would further submit that no previous case is pending against the petitioner. 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 25 pockets of banned Tobacco Products worth about Rs.120/-. No previous case is pending against the petitioner. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable Organization or Association.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.2,000/- (Rupees Two Thousand only) to the Dean, Government Rajaji Hosptial, Madurai District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Sankarankovil.

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, Sankarankovil 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.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

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

COPY TO:

THE DEAN, GOVERNMENT RAJAJI HOSPITAL,
MADURAI DISTRICT.

+1. CC to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.14419

ORDER

IN

CRL OP(MD) No.21567 of 2022

Date :06/12/2022