



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21631 of 2022

Ramasamy

...Petitioner/Accused No.2

-VS-

State rep.by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(in Crime No.491 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to enlarge the Petitioner on bail in the event of his arrest by the respondent Police with respect to Crime No.491 of 2022.

For Petitioner : Mr.C.Mayilvahana Rajendran, Advocate

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 328 IPC and Sections 6(b) and 24(i) of Cigarette and Others Tobacco Products Act, 2003, in Crime No.491 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner along with his son was found in possession of banned tobacco products worth about Rs.2,000/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the first accused, who is the son of the petitioner, was arrested and released on bail. Hence, he seeks anticipatory bail.



4.The learned Government Advocate (Crl.side) would submit that the petitioner along with his son was found in possession of banned tobacco produces and the petitioner has got on previous case of similar nature. He opposes to grant anticipatory bail.

5.At this juncture, the learned Counsel for the petitioner would submit that the case is related to the year 2017 and he would submit that without prejudice to the petitioner's rights and contentions, the petitioner is ready to deposit a non-refundable deposit to any welfare activity.

6.Taking into consideration the facts and circumstances of the case and on perusing the records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.5,000/- to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Srivilliputhur.

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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Srivilliputhur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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., for a period of two weeks and thereafter, every Saturday 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]**.



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

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/ TRUE COPY /

Sd/-
07/12/2022

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

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN 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. MAYILVAHANA RAJENDRAN.C Advocate SR.No.14503

ORDER
IN
CRL OP(MD) No.21631 of 2022
Date :07/12/2022