



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

PRESENT

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

CRL.O.P (MD) No.22146 of 2022

Vellapandi

...Petitioner/4th Accused

-VS-

State rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(in Crime No.440 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.440 of 2022.

For Petitioner : Mr.S.Palaniselvam, 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 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.440 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 other accused were found in possession of banned tobacco worth of Rs.2,070/- and hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has no previous case pending against him under the Cigarette and other Tobacco Products Act, 2003.



4.The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused was in possession of banned tobacco products worth of Rs.2,070/- and on seeing the police, he had ran away. He would submit that the petitioner is a whole seller of banned tobacco products and he would object to grant anticipatory bail to the petitioner.

5.At this juncture, the learned Counsel for the petitioners would submit that the petitioners are ready to deposit Rs.5,000/- each as non-refundable deposit to any welfare scheme of the Government.

6.Heard the learned Counsel. Taking into consideration the facts and submissions and on perusing the materials available on record, 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 The Dean/Medical Officer, Tirunelveli Medical College Hospital, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.V, Tirunelveli, at the time of furnishing sureties.

8.On such deposit and production of proof, 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.V. Tirunelveli, 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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Sd/-
15/12/2022

/ TRUE COPY /

/12/2022

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

cmr

TO

1. THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN/MEDICAL OFFICER,
TIRUNELVELI MEDICAL COLLEGE HOSPITAL.

+1. CC to M/S. PALANISELVAM.S Advocate SR.No.15109

ORDER
IN
CRL OP(MD) No.22146 of 2022
Date :15/12/2022