



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

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

CRL.O.P (MD) No.22421 of 2022

WEB COPY
Karuppasamy

... Petitioner/3rd Accused

-vs-

State represented by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(in Cr.No.195 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.195 of 2022.

For Petitioner	: Mr.M.Jegadeesan, 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 Section 328 of IPC and Sections 6(b), 8 and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.195 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 accused 1 and 2 were found in illegal possession of banned tobacco products worth of Rs.15,000/- and on their confession, it is found that they purchased the banned tobacco products from the fourth accused through the third accused/petitioner herein. 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 false complaints have been registered against the petitioner based on the confession of arrested accused on the same day by two different police Stations. He would also submit that the petitioner is ready to abide any stringent conditions, that may be imposed on him.

4.The learned Government Advocate (Crl.side) would submit that habitual offended against whom two previous cases are pending in similar nature.



5. In reply, he would also submit that without prejudice the petitioner is ready and willing to deposit some amount to any welfare scheme.

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

7. Accordingly, the petitioner shall pay a sum of Rs.30,000/- to the credit of The Dean/Medical Officer, Madurai Government Rajaji Hospital, Madurai without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court No.I, Virduhunagar, at the time of furnishing sureties.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. 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 Court No.I, Virduhunagar, 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., 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/-

19/12/2022

/ TRUE COPY /

WEB COPY

/01/2023

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

cmr

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 DEAN/MEDICAL OFFICER,
MADURAI GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

+1 CC to M/s.JEYAKARTHIK M S, Advocate (SR-15126[I] dated
20/12/2022)

ORDER

IN

CRL OP(MD) No.22421 of 2022

Date :19/12/2022

RS/VR/SAR.1(03.01.2023) 3P-7C