



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.22750 of 2022

Santhananallajegan @ Siva

... Petitioner

Vs

The State rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District
(Crime No.234 of 2022).

... Respondent

For Petitioner : M/s. Chandru.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.234 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 272,273,328 of IPC and Section 6, 24(a) of Cigarettes and other Tobacco Products Act, 2003 in Crime No. 234 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 was found in illegal selling of banned tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner and his family members met with an accident in which the wife of the petitioner died and in respect of the case a case has been registered in Crime No. 372 of 2022 for the offences under Sections 279,337 and 304(A) of IPC. The petitioner suffered serious injuries and he was bed ridden. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appeared for the respondent would submit that the petitioner along with other accused were found in illegal selling of banned tobacco products. The petitioner has been implicated as an accused based on the confession given by the co-accused. He would also submit that the petitioner is having two previous case.

5.Heard. Perused the materials available on record including the First Information Report in Crime Nos.372 of 2022 and 234 of 2022.

6.In reply the learned counsel for the petitioner would submit that without prejudice to his rights he is ready and willing to deposit a sum of Rs.50,000/- towards any charitable organization or association

7. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of Rs. 50,000/-(Rupees Fifty thousand only) to the credit of Dean, Government Rajaji Medical College Hospital, Madurai without prejudice to his rights and contentions and 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, Vadipatti** 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** [SCW 5560].

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

sd/-

22/12/2022

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/01/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI MEDICAL COLLEGE HOSPITAL,
MADURAI.

ORDER

IN

CRL OP(MD) No.22750 of 2022

Date :22/12/2022

SA/MMS/SAR.2/03.01.2023/3P/6C