



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA
CRL OP(MD). No.23240 of 2022

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Alwin

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District
(Crime No. 759 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Rameshkumar.S,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 759 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 273, 328 of IPC and Sections 7(1), 21(1) of the Cigarette and other Tobacco Products Act, 2003, in Crime No.759 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that on 14.12.2022, on secret information, when the defacto complainant police officials went to the house of the first accused, the accused persons were found possession of 1.672 Kgs. of hans, vimal pan masala and V1 tobacco products. Hence, the case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case was foisted against him. The co-accused in this case was arrested and released on bail. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is the third accused in this case and the first accused was arrested and released on bail.

<https://www.mhc.tn.gov.in/judis>

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



6. Taking into consideration the facts and circumstances of the case and considering the fact that co-accused namely A1 has been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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7. Accordingly, this Criminal Original Petition is allowed and 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, Pattukottai, 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 learned 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 daily at 10:30 a.m., until further orders;

(c) the petitioner shall not tamper with the 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]; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/12/2022

/ TRUE COPY /

29/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMESHKUMAR, Advocate (SR-15657[I] dated
28/12/2022)

ORDER
IN
CRL OP(MD) No.23240 of 2022
Date :28/12/2022

RK/VR/SAR-2 (29/12/2022) 3P/6C