



WEB COPY

CRL OP(MD)



23

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

Date : 19/01/2023

PRESENT

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

CRL OP(MD). No.412 of 2023

Moorthy

... Petitioner/Accused NO.1

Vs

The State rep.by,
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
(Crime No.664 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Manikandan P,
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.664 of 2022 on the file of the Respondent Police.

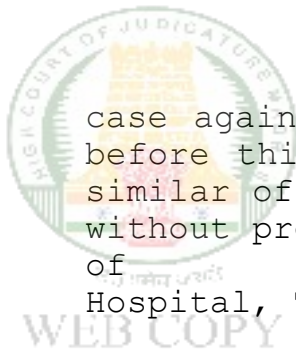
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 of I.P.C. r/w Sections 6(a), 6(b), 7(2), 7(5) and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.664 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of banned tobacco products worth of Rs.1,80,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application was dismissed on the ground that there are three previous cases of similar nature pending against the petitioner. He

<https://www.mca.gov.in/>



case against him and he has also filed an affidavit of undertaking before this Court stating that he will not indulge in any such of similar offence in future. He would also submit that the petitioner, without prejudice to his defence, is also ready to deposit an amount of Rs.75,000/- to the Dean, Thanjavur Medical College Hospital, Thanjavur. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that this is the second application for anticipatory bail and the earlier application was dismissed on the ground that the petitioner has got three previous cases. He would further submit that now after verification, it is found that there is only one previous case of similar in nature under the mines and minerals pending against the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and the submissions and also the affidavit of undertaking given by the petitioner and without prejudice to his defence, he is ready to deposit an amount of Rs.75,000/- to the Dean, Thanjavur Medical College & Hospital, Thanjavur, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.Accordingly, the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Thanjavur Medical College & Hospital, Thanjavur", without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Thanjavur. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on anticipatory 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 No.III, Thanjavur, 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 learned Magistrate concerned and on further conditions that:

[a] 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 station on 10.30 a.m. until further orders.



[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

9. The affidavit of undertaking filed by the petitioner shall form part of the Court records.

sd/-
19/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.III.
THANJAVUR.
- 2 -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.
- 3 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE DEAN/MEDICAL OFFICER,
THANJAVUR MEDICAL COLLEGE & HOSPITAL,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.412 of 2023
Date :19/01/2023