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CRL OP(MD)



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

Date : 10/01/2023

PRESENT

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

CRL OP(MD) . No.568 of 2023

Thangarasu @ Thangaraj ... Petitioner/Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian

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. 759 of 2022 on the file of the respondent Police.

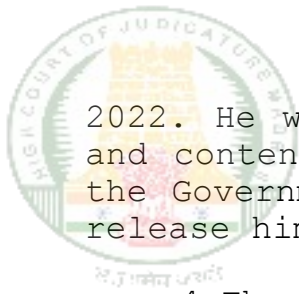
ORDER : The Court made the following order :-

The petitioner/Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 273, 328 of IPC and Sections 7(1), 24(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 along with police officials went to the house of the first accused, the accused persons were found in possession 5.83 kgs of tobacco products. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case was foisted against him and this Court has granted anticipatory bail to the

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



2022. He would further submit that without prejudice to his rights and contentions, the petitioner is ready to deposit Rs.10,000/- to the Government Medical College Hospital, Thanjavur. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is the fourth accused in this case and the first accused was arrested and released on bail. He would concede submit that the third accused has got anticipatory bail from this Court and the petitioner/A4 has no bad antecedent. However, he opposes for grant of anticipatory bail.

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 facts that the first accused has been arrested and released on bail and the third accused has already obtained anticipatory bail and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 shall pay Rs.10,000/- to the Dean, Government Medical College Hospital, Thanjavur, without prejudice to his rights and contentions and produce proof while executing bond;

[b]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;

[c] the petitioner shall report before the respondent Police daily at 10:30 a.m., until further orders;

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;

[f]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 were imposed and the petitioner released on bail by the learned



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Magistrate/Trial Court himself as laid down by the Hon'ble Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and; [g] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

CM

TO

1. The Judicial Magistrate, Pattukottai.
2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Dean,
Government Medical College Hospital, Thanjavur.

+1 CC to M/s.BALASUBRAMANIAN N, Advocate (SR-622[I] dated
11/01/2023)

ORDER
IN

CRL OP(MD) No.568 of 2023

Date : 10/01/2023

TR/VR/SAR-I (24.01.2023) 3P 7C