



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL.O.P(MD)No.1461 of 2023

WEB COPY

M.Ramachandra

...Petitioner / Petitioner /
Rank not known

-vs-

The State represented by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(in Cr.No.234 of 2022)

...Respondent / 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.234 of 2022.

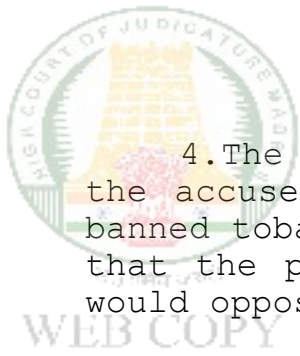
For Petitioner	: Mr.M.Karunanithi, Advocate
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 272, 273 and 328 of IPC and Sections 24(1) and 6 of Cigarette and other Tobacco Products Act, 2003 IPC 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 accused persons were found in illegal possession of 72 kgs of banned tobacco products worth of Rs.1,31,700/-. 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 the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the confession of the arrested accused. He would submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him. He would also submit that the petitioner is volunteer to deposit a sum of Rs.30,000/- to any welfare scheme of the Government. Hence, he would seek for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the accused persons were found in illegal possession of 72 kgs of banned tobacco products worth of Rs.1,31,700/-. He would also submit that the petitioner has no previous case pending against him. He would oppose for grant of anticipatory bail to the petitioner.

5.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, Vadipatti, at the time of furnishing sureties.

6.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.

7.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.On production of proof for deposit, 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., for a period of two weeks and thereafter, every Saturday at 10.30 am 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 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/-
25/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

To

- 1.The Judicial Magistrate, Vadipatti.
 - 2.Do-through the Chief Judicial Magistrate, Madurai.
 - 3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1. CC to M/S.KARUNANITHI.M Advocate SR.No.1250

ORDER
IN
CRL OP(MD) No.1461 of 2023
Date :25/01/2023

ED(06.02.2023) 3P 6C