



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/01/2023
PRESENT

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

CRL OP(MD) . No.748 of 2023

Jeyaram,
S/o Chinnathambi

(In the FIR the Petitioner Father Name
Wrongly Mentioned as Samuthiram). ... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
Crime No. 398/2022.

... Respondent/Complainant

For Petitioner : M/s.Vignesh.N,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.398 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 506(ii) of IPC and Section 6 r/w.24(1) of the Cigarette and other Tobacco Products Act and Section 77 of JJ Act, in Crime No.398 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.1,91,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner, without prejudice to his defence, is also ready to deposit an amount of Rs.25,000/- to the Dean, Tirunelveli Medical College Hospital,

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



Tirunelveli and he has also filed a memo to that effect. He seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of banned tobacco products worth about Rs.1,91,000/-, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is 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 memo submitted by the learned counsel for the petitioner that the petitioner without prejudice to his defence, is ready to deposit a sum of Rs.25,000/- to the Dean, Tirunelveli Medical College & Hospital, Tirunelveli, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Tirunelveli Medical College & Hospital, Tirunelveli", without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Tenkasi. 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, Tenkasi, 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 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 were imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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/-

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24/01/2023

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

AAV

TO

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

COPY TO:

THE DEAN / MEDICAL OFFICER,
TIRUNELVELI MEDICAL COLLEGE & HOSPITAL,
TIRUNELVLEI.

+1. CC to M/S.VIGNESH.N Advocate SR.No.1048

ORDER**IN**

CRL OP(MD) No.748 of 2023
Date :24/01/2023

SA/BUC/SAR. /24.01.2023/3P/7C