



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.2365 of 2023

Kamaraj

... Petitioner/Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Natham Police Station,
Dindigul District
(Crime No.23 of 2023).

... Respondent/Respondent

For Petitioner : M/s.Premkumar.S, 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.23 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 328 IPC and Sections 6(a), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.23 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of banned tobacco products, to the value of Rs.1,00,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in the case. Hence, prays for anticipatory bail.



4.The learned Additional Public Prosecutor would submit that though the petitioner is not having any previous case to his credit, the accused persons were found in possession of banned tobacco products, to the tune of Rs.1 lakh. Hence, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned Counsel for the petitioner would submit that to show his *bonafides*, the petitioner is ready and willing to deposit Rs.50,000/- to any Welfare Scheme of the Government, without prejudice to his rights and contentions before the trial Court.

6.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner's readiness to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Dean, Medical College Hospital, Dindigul District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, would not amount of admission of guilt by him.

8.On production of such receipt, 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, Natham**, 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., 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 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.

sd/-

06/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, NATHAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE SUB INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
MEDICAL COLLEGE HOSPITAL,
DINDIGUL DISTRICT.

+1. CC to M/S.PREMKUMAR.S Advocate SR.No.1852(I)

ORDER

IN

CRL OP(MD) No.2365 of 2023

Date :06/02/2023

VA/SAR-3/10.02.2023/3P/7C