



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2857 of 2023

WEB COPY

Baba Settu

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.
(in Cr.No.16 of 2023)

...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.16 of 2023.

For Petitioner	: Mr.R.Mathiyalagan
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 21(1) of Cigarette and other Tobacco Products Act, 2003 r/w Section 77 of the Juvenile Justice (care and Protection of Children) Act in Crime No.16 of 2023 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 petitioner was found to be in illegal possession of 4.25 kgs of Tobacco products. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession recorded from the arrested accused. He would also submit that the fact remains that the petitioner's kidneys have been affected and he is now taking treatment in KMCH Institute of Health Sciences and research, Coimbatore. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioner has two previous cases pending against him. However, he would submit that on verification, it is found that the petitioner is admitted in KMCH Institute of Health Sciences and research, Coimbatore for kidney ailment.



5. Normally, this Court does not grant anticipatory bail in cases, where the accused has previous antecedents. However, taking into consideration the fact the petitioner has been admitted in KMCH Institute of Health Sciences and research, Coimbatore, for kidney ailment, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 District Munsif cum Judicial Magistrate, Aravakurchi, 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 as and when required, on issuance of summons.

[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.

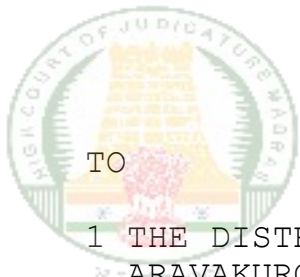
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
20/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURCHI, KARUR DISTRICT.

3 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT

3 THE INSPECTOR OF POLICE
CHINNADHARAPURAM POLICE STATION,
KARUR DISTRICT.

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

+1. CC to M/S.MATHIYALAGAN.R Advocate SR.No.2629

ORDER

IN

CRL OP (MD) No.2857 of 2023

Date :20/02/2023

MGJ/MMS/SAR 3/30/01/2023/3P/6C