



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

Date : 28/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8218 of 2023

Arunchakkaravarthi

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
In Crime No.115 of 2023.

... Respondent/Complainant

For Petitioner : Mr.R.Gandhi
Senior Counsel
for M/s.Gandhi Associates

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

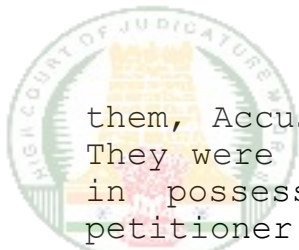
PRAYER :-

For Anticipatory Bail in Crime No.115 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 of I.P.C and Sections 6(b) and 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade, Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.115 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Manimaran/the Sub-Inspector of Police attached to the respondent Police Station registered a case against the petitioner and two others alleging that on 11.04.2023 at about 10.00 a.m., on secret information, they visited the grocery shop, namely "Amritha Distributors". On seeing



them, Accused Nos.2 and 3 made an attempt to escape from tl. They were caught hold and on enquiry, he found that they were found in possession of 163 kgs of prohibited tobacco products. The petitioner is the proprietor of the Amritha Distributors and Accused No.2 is the partner and Accused No.2 is the employee of the said shop. Accused Nos.2 and 3 were arrested, after recovering the prohibited tobacco products. Based on the said complaint, a case has been registered as against the petitioner and two others.

3. The learned senior counsel for the petitioner would submit that the petitioner has committed any offence as alleged by the prosecution. The petitioner is one of the partners of "Amritha Distributors", a grocery shop and he is no way connected with the day-to-day affairs of the partnership firm.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having six previous cases.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that though the petitioner was involved in six previous cases, the learned senior counsel appearing for the petitioner produced all the F.I.Rs', which were registered under Section 110 of Cr.P.C and also under Section 279 of I.P.C, this Court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

7. 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 Judicial Magistrate No.1, Madurai, 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



[c] the petitioner shall not tamper with evidence or either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[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/-

28/04/2023

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/05/2023

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

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TO

1. The Judicial Magistrate No.1, Madurai.
2. Do through the Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.8218 of 2023

Date : 28/04/2023

NA/VR/SAR-2/04.05.2023/3P/5C