



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

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

CRL OP(MD). No.8976 of 2023

Subbiah

... Petitioner/Accused No.4

Vs

The Inspector of Police,
State of Tamilnadu,
Perumalpuram Police Station,
Tirunelveli City.
Crime No.182 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Radhakrishnan.G

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

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

PRAYER :-

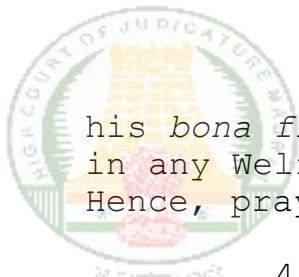
For Anticipatory Bail in Crime No.182 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 353, 506(i) I.P.C r/w 6(b) & 24(i) of COTPA Act, in Crime No.182 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.05.2023 the accused persons were found in possession of banned tobacco products worth about Rs.1 lakh. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him. He has not committed any offence as alleged by the prosecution. He is not having any bad antecedent at his credit. The petitioner is not having any previous case. However, to show



his bona fide, he is ready to donate/deposit a sum of Rs.1,00,000/- in any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays to release him on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the accused persons had found in possession of banned tobacco products. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.It seems that there are totally four accused in this case and the petitioner is arrayed A4. Even according to the case of prosecution the petitioner is the supplier of tobacco products and at the time of occurrence, he was found in possession of tobacco products worth about Rs.1,00,000/-.

7.Considering the facts and circumstances of the case and nature of offence and that the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions:

8.Accordingly, the petitioner shall pay a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of the **Madras High Court, Madurai Bench Advocates Clerk's Welfare Association (MHMBACWA), A/c No.496039124, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Magistrate concerned.

9.On production of such receipt/acknowledgment, 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.I, Tirunelveli**, on condition that **the petitioner is directed to file an undertaking affidavit before the concerned Court that he will not indulge in similar kind of activities in future** and he 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, thereafter, as and when required for interrogation;



[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC; and

[g] If the petitioner found in indulging similar kind of activities in future, the anticipatory bail granted to the petitioner stands automatically cancelled and the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

05/06/2023

/ TRUE COPY /

/06/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

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

3 THE INSPECTOR OF POLICE
STATE OF TAMILNADU, PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES CLERKS WELFARE ASSOCIATION, (MHMBACWA)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8976 of 2023

Date :05/06/2023