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CRL OP(MD).



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

Date : 18/05/2023

PRESENT

**The Hon`ble Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.9092 of 2023

D.Balaji

... Petitioner/Accused No.3

Vs

State Rep.by  
The Inspector of Police,  
Thuraiyur Police Station,  
Trichy District.  
(In Crime No.174 of 2023).

... Respondent/Complainant

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

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.174 of 2023 on the file of the Respondent Police.

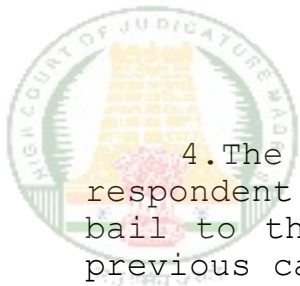
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 328 of IPC, 6, 21(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.174 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.05.2023, the Food Safety Officers conducted raid and found 40 packets of Gutkha inside the mahal and conducted raid in Theppakulam Street Iman Illam, wherein, 805 kgs of Pan masala, Gutkha and other chewable tobacco products were kept inside the house which belongs to one Praveen, who resides at Trichy and the petitioner herein has acted as a Mediator for taking the house for rent by one Uthamsingh. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

<https://www.mhjc.in/judis>



4.The learned Government Advocate (Crl.side) appearing for the respondent Police has strongly objected for granting anticipatory bail to the petitioner. However, he would submit that there is on previous case pending against the petitioner.

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5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable deposit to the credit of Aram Seya Virumbu, (A/c No.423150050800264, IFSC code: TMBL0000423, Tamil Nadu Mercantile Bank, Ambasamudram), within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Thuraiyur

7.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 of receipt of a copy of this order, before the Judicial Magistrate, Thuraiyur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties **(of which one shall be a blood related surety)** 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police on every Tuesday and Sunday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall file an undertaking affidavit before the trial Court that he will not keep any banned products in future.

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

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

[f]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].

[g]if the accused / petitioner thereafter absconds, a fresh FIR



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can be registered under Section 229-A IPC.

sd/-

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

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TO

1 THE JUDICIAL MAGISTRATE, THURAIYUR

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

3 THE INSPECTOR OF POLICE, THURAIYUR POLICE STATION,  
TRICHY DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,  
ARAM SEYA VIRUMBU,  
AMBASAMUDRAM.

+1 CC to M/s.ANANDAKUMAR.N, Advocate ( SR-7697[I] dated 19/05/2023 )

ORDER

IN

CRL OP(MD) No.9092 of 2023

Date :18/05/2023

RS//SAR-(25.05.2023) 3P 7C