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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

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

CRL OP(MD). No.11456 of 2023

1. Arul @ Arulmiguvelan,

2. Saravanan @ Saravanakumar,

... Petitioners/Accused No.3&4

Vs

The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Crime No.262 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Mithun Chakravarthi.A.,
Advocate.

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.262 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 272,273 and 328 of IPC and section 6(b), 24(1) of COTPA Act, 2003 in Crime No.262 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with the accused were found in illegal possession of banned substances.

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tobacco products worth about Rs.5,53,000/-. Hence, a case registered.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that four previous cases are pending against the second petitioner.

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

5. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Theni on condition that the first 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 to 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 first 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 first petitioner shall make a non refundable deposit for a sum of Rs.50,000/- (**Rupees Fifty thousand only**) **to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(c) the first 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;

(d) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 AIR SCW 5560]; and;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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[h] the first petitioner shall file an undertaking affidavit before the respondent police that he will indulge in similar type of offences again. If he violates the said undertaking the anticipatory bail granted to the first petitioner shall stand cancelled automatically and the respondent is at liberty to secure the first petitioner and proceed in accordance with law.

6. As regards the second petitioner, the petition stands dismissed.

sd/-

26/06/2023

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/07/2023

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

AAV

TO

1. The Judicial Magistrate, Theni
2. do through The Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Office Incharge,
Government of Tamil Nadu, CMPRF in IOB,
Secretariat Branch, Chennai-9

ORDER

IN

CRL OP(MD) No.11456 of 2023

Date :26/06/2023

DL/ (03.07.2023) / 3P/ 6C

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