



CRL OP(MD). No.11593 of 2023

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

Date : 18/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11593 of 2023

Uttamsingh

... Petitioner / Accused No.1

Vs

The State rep by
The Inspector of Police,
Thuiraiyur Police Station,
Trichy District
(Crime No.174 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Prakash.K, Advocate.

For Respondent : Mr.S.Manikandan,
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/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 328 of IPC r/w.



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6, 24(i) of Cigarette and Other Tobacco Products Acts, 2003, in Crime No.174 of 2023

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on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, when the defacto complainant made search in the Gowry Mahal Petty shop on 02.05.2023, they recovered 40 pockets of banned tobacco products, which was stored by the third accused and further on the basis of the confession statement of the above said accused, further products were recovered from the Godown of the petitioner. Totally 805 Kgs of tobacco products have been recovered from the accused persons. Hence, the complaint.

3.The learned Government Advocate (Crl. Side) would submit that the petitioner is having no previous case.

4.The matter was already heard and reserved for orders. During the course of perusal of records a doubt has been raised as to the place from where the above said recovery has been made.

5.The learned Government Advocate (crl. Side) would submit that the recovery has been made first from a shop which belongs to accused No.3. On the basis of the confession statement of him, the involvement of this petitioner came to light and from Eman Illam, which is a rented house used by this petitioner for the purpose of storing the above said tobacco products worth about Rs.8 lakhs, was



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recovered by the respondent.

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6.The learned counsel for the petitioner would submit that absolutely, he is no way connected with the above said godown or house as the case may be. Except the confession statement of the above said third accused, no other material to implement of him.

7.The involvement of the accused person came to the light on the basis of the confession statement of accused NO.3 and recovery is also made from the godown or house as the case may be, which was used by the petitioner as rental house.

8.Since petitioner is having no previous case, this Court is inclined to grant anticipatory bail to the petitioner on condition of deposit of the value of the tobacco products recovered.

9. Accordingly, this Criminal Original Petition is allowed with condition that the petitioner shall deposit sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the credit of Cr.No.174 of 2023, before the trial Court namely Judicial Magistrate Court, Thuraiyur, Trichy District.

10.On such deposit being made, petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thuraiyur, Trichy District, 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



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sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

1. The Judicial Magistrate,
Thuraiyur, Trichy District.
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.



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+2 CC to M/s.K.PRAKASH, Advocate (SR-10945[I] dated 19/07/2023)

ORDER
IN
CRL OP(MD) No.11593 of 2023
Date :18/07/2023

ED/MR/SAR- (28/07/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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