



CRL OP(MD). No.17552 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17552 of 2023

K.Thirunandhavel Murugan,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.276/2023).**

... Respondent/Complainant

For Petitioner : M/s.Banuprasath.P, Advocate.

**For Respondent : Mr.R. Sureshkumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.276/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.17552 of 2023

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 337, 328, 273 IPC and 6 r/w. 24(i) of COTPA Act in Crime No.276 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.09.2023 at about 5.30 pm the petitioner drove the car and the same was met with an accident. Due to that time, the respondent police came to the spot and seized the banned Tobacco products from the Car, hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is only a driver and he is innocent and a false case has been foisted against him. Hence he seeks anticipatory bail. He would further submit that subsequent to the filing of this petition, the offence was altered.

4. The learned Government Advocate (Crl. Side) would submit that there is no previous case is pending against the petitioner and the investigation of the case is pending and hence he objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the petitioner is not having any previous case and also considering the nature of offences, this Court is inclined to grant anticipatory bail to the petitioner, subject to



CRL OP(MD). No.17552 of 2023

the following 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, Thottiyam, 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 sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[d] 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].



CRL OP(MD). No.17552 of 2023

WEB COPY

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
THOTTIYAM, TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.17552 of 2023

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-14446[I] dated 29/09/2023)

WEB COPY

ORDER
IN

CRL OP(MD) No.17552 of 2023

Date :29/09/2023

PKP/DD/SAR- /05.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023