



CRL OP(MD). No.19675 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19675 of 2023

Vellayan @ Thangapandi,

... Petitioner/ Accused No.2

Vs

**State Rep.by
The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No. 148 of 2023.**

... Respondent/Complainant

**For Petitioner : M Jothi Basu, Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Crime No. 148 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the



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respondent police for the offences punishable under Sections 328 IPC and 6(b), r/w. 24(1) Cigarette and other Tobacco Products Act, 2003, in Crime No.148 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted surprise inspection and at that time, the petitioner herein and other accused have illegally found in possession of 2 kgs of Tobacco products worth about Rs.1,500/- and the same was recovered. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the co-accused have already released on bail and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the property recovered is worth about Rs.1,500/- and the petitioner herein is not having any previous case and the co-accused have already released on bail. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused have released on bail and that the petitioner herein is not



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having any previous case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate- II, Virudhunagar 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 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 the respondent police daily at 10.30 a.m., for a period of one month and 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 is released on bail by
<https://www.mhc.tn.gov.in/judis>



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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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15977[I] dated 06/11/2023)

ORDER

IN

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Date :06/11/2023

PKP/JGB/SAR- /07.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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