



CRL OP(MD) No.198 of 2024

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.198 of 2024

GANESAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO.9/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.MATHAVAN.G Advocate

For Respondent :MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.9/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 273 and 328 of I.P.C. and



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Sections 24(1) and 6(b) of the Cigarette and other Tobacco Act, 2003 in Crime No.9 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.01.2023, based on the secret information, the Food Safety Officer search the petitioner's petty shop and found that the petitioner was in possession of 900 grams of banned tobacco products, which was prohibited by the Government. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.10,000/- to the credit of the Dean, Government Rajaji Hospital, Madurai for the welfare Cancer patients, without prejudice to his defence before the trial Court.

4.The learned Government Advocate (Crl. side) submitted that the petitioner was found in illegal possession of 900 grams of banned tobacco products and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5.Considering the facts and circumstances of the case and considering the fact that the petitioner has no previous antecedent and he is ready to deposit some amount to the Dean, Government Rajaji Hospital, Madurai, I am inclined to grant anticipatory bail to the petitioner.

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, Srirangam, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Dean, Government Rajaji Hospital, Madurai, for giving treatment to the Cancer patients, without prejudice to his defence before the trial



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Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required for interrogation;

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

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;



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

sd/-
08/01/2024

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/01/2024

Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1.THE JUDICIAL MAGISTRATE, SRIRANGAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

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

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

COPY TO
THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI,

+1 CC to M/s.G.MATHAVAN, Advocate (SR-311[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.198 of 2024
Date :08/01/2024

RK/VR (11/01/2024) 5P / 7C

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