



CRL OP(MD) No.495 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.495 of 2024

MARIKANI

... PETITIONER / ACCUSED No.7

Vs

**THE SUB INSPECTOR OF POLICE
PAVOORCHATHIRAM POLICE STATION,
TENKASI DISTRICT.
CRIME NO.2 OF 2024**

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.ANGUSAMY.V, Advocate

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

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.2 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Sections 294(b), 353 and 506(2) of IPC and Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.2 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegal possession of 384 kg banned tobacco products worth about Rs.3.5 lakhs for sale. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to the District Siddha Medical Officer and hence, he prays for bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner had illegal possession of 384 kg banned tobacco products for sale. However, the petitioner is come forward to pay a sum of Rs.50,000/- to the District Siddha Medical Officer, this Court may consider the anticipatory bail petition of the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that he petitioner is come forward to pay a sum of Rs.50,000/- to the District Siddha Medical Officer, this court is inclined to grant anticipatory bail to the

petitioner, subject to the following conditions:



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6. Accordingly, the petitioner is granted anticipatory bail and he 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 Court, Tenkasi, 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) 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 petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



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(c) the petitioner is directed to appear before the respondent police daily at 10.30 p.m, and thereafter, as and when required for interrogation;

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

(e)the 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 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;

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

sd/-
11/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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- 1 THE JUDICIAL MAGISTRATE,
TENKASI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PAVOORCHATHIRAM POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE
DISTRICT SIDDHA MEDICAL OFFICER,
CCRI,PERIYAKULAM.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-590[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.495 of 2024
Date :11/01/2024

PKP/JGB/SAR /22.01.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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