



CRL OP(MD) No.3390 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3390 of 2024

THASTHAGEER DAWOOD

... PETITIONERS / ACCUSED No.4

Vs

THE INSPECTOR OF POLICE
FORT POLICE STATION,
TRICHY DISTRICT.
CRIME NO.274 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.SRI KRISHNA Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.274 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 273, 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 & 57, 59 of Food Safety and Standards act, 2006, in Crime No.274 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,00,000/- to the **Town Hall Government Girls Higher Secondary School, Fort, Trichy City**, for construction or renovation of toilet. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner and others involved in illegal business of selling banned tobacco products and the same was seized by the respondent Police and the investigation is going on. Further, he would fairly conceded that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Tiruchirappalli**, 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 two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)(i) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) through demand draft in favour of the **Headmaster, Town Hall Government Girls Higher Secondary School, Fort, Trichy City**, for construction or renovation of toilets, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;



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(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned Judicial Magistrate.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(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 daily at 10.30 a.m, for a period of two weeks and thereafter, 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

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Section 229-A IPC.

sd/-

04/03/2024

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/03/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.I
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

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

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

COPY TO:

THE HEADMASTER,
TOWN HALL GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
FORT, TRICHY CITY

+1 CC to M/s.T.SRI KRISHNA, Advocate (SR-2762[I] dated 05/03/2024)



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ORDER
IN
CRL OP(MD) No.3390 of 2024
Date :04/03/2024

SS/VR/SAR- /13/03/2024/6P/7C

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