



CRL OP(MD) No.4905 of 2024

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

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4905 of 2024

SYED MOHAMMED @ THAMBIRAJA ... PETITIONER / ACCUSED No.2
Vs

THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT. ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.GURUMOORTHY 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.40/2024 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 respondent police for the alleged offence punishable under Sections 273 and 328
of I.P.C. and Sections 5, 7(1) and 24(1) of the Cigarette and Other Tobacco Products
Act, 2003 in Crime No.40 of 2024, on the file of the respondent Police, seeks
anticipatory bail.



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2. The case of the prosecution is that the petitioner was found in illegal possession of 234.29 Kgs of tobacco products and the same was seized by the respondent police. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit 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, he would further submit that the petitioner, without prejudice to his rights, is ready to ready to deposit a sum of Rs.5,000/- to the credit of the **Dean, Thanjavur Medical College Hospital, Thanjavur**, for the welfare of the Cancer patients, without prejudice to his defence before the trial Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is going on.

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



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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 fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Papanasam**, 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) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the **Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the Cancer patients**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(b) 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;

(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;



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(d)the petitioner shall report the respondent Police for a period of two weeks at 10.30 A.M., 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;

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

sd/-
28/03/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO
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- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR,

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-3895[I] dated 28/03/2024)

ORDER
IN
CRL OP(MD) No.4905 of 2024
Date :28/03/2024

SS/GS/SAR- /08/04/2024/5P/7C

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