



CRL OP(MD). No.7165 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/05/2024

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. Thangapandiyan

2. Palpandi

... Petitioners/ Accused (Rank Not Known)

Vs

The Inspector of Police,
Abiramam Police Station,
Ramnathapuram District.
(Crime No.68 of 2024)

... Respondent/Complainant

For Petitioners : Mr.G.Vishnu Ram,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.68 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 273, 328 of IPC r/w



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Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.68 of 2024 on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners were found in possession of 7.875kgs of banned tobacco products illegally. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that A1 to A4 were already arrested and released on bail by the learned Sessions Judge, Ramanathapuram in CrI.M.P.No.28 of 2024 on 09.05.2024, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 7.875kgs of banned tobacco products illegally and hence, he objected to grant anticipatory bail to the petitioners. However, he fairly concedes that no previous case is pending against the petitioners and A1 to A4 were already arrested and released on bail by the trial Court.

5.Taking into consideration of the facts and circumstances of the case and also the facts that no previous case is pending against the petitioners and A1 to A4 were already arrested and released on bail by the trial Court, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of



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arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Kamuthi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners and 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 petitioners shall deposit of Rs.3,000/- (Rupees Three Thousand only) each to the credit of the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India, Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, without prejudice to his rights and contention before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioners shall not tamper with evidence or witness either during



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investigation or trial;

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(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/05/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE, KAMUTHI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, ABIRAMAM POLICE STATION,
RAMNATHAPURAM DISTRICT.

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



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COPY TO

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

ORDER

IN

CRL OP(MD) No.7165 of 2024

Date :16/05/2024

RS/GS/SAR-(21.05.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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