



CRL OP(MD). No.9644 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Ramesh,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.235/2024).

... Respondent/ Complainant

For Petitioner : Mr.N.Shanmuga Selvam,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :- . For Anticipatory Bail in Crime No.235/2024 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 offences punishable under Sections 7 and 21(1) of Cigarette and Other Tobacco



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Products Act, 2003 and Section 328 I.P.C in Crime No.235 of 2024 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 33 Kgs of Tobacco products and 1.840 Kgs of Hans Pockets. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is pending and raised strong objections. However, he would also submit that there is no previous case as against the petitioner.

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

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 No.II, Karur, 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 learned



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Magistrate concerned and on further conditions that:

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[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall make a non refundable deposit of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to the credit of the Rojavanam, Home for Old Aged, Melur Road, Uthangudi, Ulaganeri, Madurai-625 107, without prejudice to his contentions and rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c]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.

[d]the petitioner shall not tamper with the 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 is 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].



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[g]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
02/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
VELLIYANAI POLICE STATION,
KARUR DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR OLD AGED,
MELUR ROAD,
UTHANGUDI, ULAGANERI,
MADURAI-625 107.

+1 CC to M/s.N.SHANMUGASELVAM, Advocate (SR-7393[I] dated 04/07/2024)



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ORDER
IN
CRL OP(MD) No.9644 of 2024
Date :02/07/2024

SA/GS/SAR. /12.07.2024/5P/7C

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