



CRL OP(MD). No.9853 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2024

PRESENT

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

CRL OP(MD). No.9853 of 2024

Shakthivel,

... Petitioner/ Accused 2

Vs.

The Inspector of Police,
K.Paramathi Police Station,
Karur District.
Crime No. 217/2024.

... Respondent/ Complainant

For Petitioner : M/s Karuppasamy Pandiyan.G,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PRAYER :- For Anticipatory Bail in Crime No. 217 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 Section 328 of IPC r/w. Section 24(1) of Cigarettes and other Tobacco Products Act, 2003, in Crime No.217 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the accused



CRL OP(MD). No.9853 of 2024

WEB COPY

persons² 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. Hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that seven previous cases are pending against the petitioner and the investigation is pending and raised strong objections.

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, this Petition is allowed and the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040], Indian Bank, Madurai Bench of Madras High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned District Munsif cum Judicial Magistrate, Aravakurichi.

7.On production of such receipt, the petitioner is ordered to be released on bail



CRL OP(MD). No.9853 of 2024

WEB COPY

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 District Munsif cum Judicial Magistrate, Aravakurichi, 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 Magistrate concerned and on further conditions that:

[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 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.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



CRL OP(MD). No.9853 of 2024

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

WEB COPY

Section 229-A IPC.

sd/-
04/07/2024

/ TRUE COPY /

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

LS
TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARAVAKURICHI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-7404[I] dated
04/07/2024)



WEB COPY



CRL OP(MD). No.9853 of 2024

ORDER
IN
CRL OP(MD) No.9853 of 2024
Date :04/07/2024

SA/GS/SAR. /19.07.2024/5P/7C

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