



CRL OP(MD). No.10273 of 2024

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

Date : 11/07/2024

PRESENT

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

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1. Rathinavelpandian

2. Rajagopal

... Petitioners/ Accused No.2 & 3

Vs

The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai District,
(Crime No.518/2024.)

... Respondent/Complainant

For Petitioners : Mr.K.Yasar Arafath, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.518/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 272, 273, 328 IPC and Section 24(1) of Cigarettes and other Tobacco Products Act 2003 (COTPA 2003) (Prohibition of advertisement and regulation of trade and commerce, production, supply and distribution), in Crime No.518 of 2024, seek anticipatory bail.

2. The case of the prosecution is that T on 07.05.2024, at 10.00 a.m., when the Police officials were on patrol nearby the place of occurrence, they found that the petitioner and other accused were in possession of 195 kgs. of banned tobacco products . Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners were in possession of 195 kgs. of banned tobacco products. He would further submit that totally three accused and the petitioners are arrayed as A2 and A3 and co-accused/ A1 in this case was arrested and released on bail and the first petitioner/ A2 is not having any previous case, and the second petitioner is having six previous cases, which are similar in nature and hence, he strongly opposed this petition.

5.Considering the facts and circumstances of the case and also considering the



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nature of the offence and co-accused / A1 was released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Kalaignar Centenary Library, Madurai, Madurai Bench of Madras High Court, Madurai operated by the Registrar (Judicial) (Account No:-7567821433, IFSC Code:- IDIB000H040, Indian Bank, High Court Branch, Madurai), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Madurai.

7. On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Madurai, 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 learned Magistrate concerned and on further conditions 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;



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(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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;

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

sd/-
11/07/2024

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

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1.The Judicial Magistrate No.II,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thallakulam Police Station,
Madurai City, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

2.The Officer Incharge,
Kalaigiar Centenary Library,
Madurai.

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-7832[I] dated 12/07/2024)

ORDER

IN

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Date :11/07/2024

ED/ JGB /SAR- (19/07/2024) 5P / 8C

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