



CRL OP(MD). No.10705 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

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

CRL OP(MD). No.10705 of 2024

Radhakrishnan,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Crime No. 196/2024..

... Respondent/ Complainant

For Petitioner : Mr. Lenin Kumar.T, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 196 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ A2, who apprehends arrest at the hands of the respondent police



CRL OP(MD). No.10705 of 2024

for the offences punishable under Sections 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 6(b) r/w 24(1) of the Cigarette and Other Tobacco Products Act, 2023, in Crime No.196 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused persons were found in possession of banned Tobacco products worth about Rs.78,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A1) was arrested and thereafter, released on bail and no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit the investigation is not yet completed. However, he fairly conceded that the co-accused was arrested and thereafter, released on bail and no previous case is pending against the petitioner.



CRL OP(MD). No.10705 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the fact that co-accused was released on bail and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thottiyam.

7.On production of such receipt, 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, Thottiyam, 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 Aadhar

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.10705 of 2024

card or Bank pass Book to ensure their identity;

(b)the petitioner 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 petitioner shall not tamper with 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/07/2024

/ TRUE COPY /

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



CRL OP(MD). No.10705 of 2024

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE
THOTTIYAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS
MADURAI EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI,
MADURAI
PHONE NO. 2422950

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-8179[I] dated 19/07/2024)

ORDER
IN

CRL OP(MD) No.10705 of 2024
Date :18/07/2024

PKP/GS/SAR /26.07.2024/ 5P/ 7C

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