



CRL OP(MD). No.11056 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.11056 of 2024

Venkateshwaran

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
Crime No. 217/2024.

... Respondent/ Complainant

For Petitioner : Veerapandi P,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C (Under Section 482 of Bharatiya Nagarik Suraksha Sanhita)

PRAYER :-

For Anticipatory Bail in Crime No. 217 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioners/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 275, 123 of BNS (BHARATIYA NYAYA SANCHITA) and 6 r/w Section 24(1) of Cigarette 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 and the other accused persons were found in possession of 104 Kgs of banned Tobacco products worth about Rs.1,04,760/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. 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 two previous cases are pending against the petitioner and also submitted that co-accused was arrested and he is in judicial custody.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Bodi, Theni District.

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, Bodi, Theni District, 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 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;



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(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/-

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/08/2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT.



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- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to

The Officer in Charge,
Indian Association for the Blind,
Alagar Kovil Road,
Sundararajanpatti, Madurai

+1. CC to VEERAPANDI P Advocate SR.No.8463

ORDER
IN
CRL OP(MD) No.11056 of 2024
Date :22/07/2024

MGJ/VR/07.08.2024/5P/7C

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