



CRL OP(MD). No.12300 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12300 of 2024

Ganesan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Srirangam Police Station,
Trichy District.
(Crime No.9 of 2024.)

... Respondent/Complainant

For Petitioner : M/s.G.Mathavan, 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.9 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 273, 328 IPC and Section 24(1) and 6(b) of COTA, 2003 in Cr.No.9 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has illegally found in possession of 1.616 kgs of banned Tobacco Products worth about Rs.17,360/- and the same has been recovered. Hence, the complaint.



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3. The learned counsel for the petitioner the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and prays for granting anticipatory bail.

4. The learned Government Advocate (Crl. side) appearing for the respondent would submit the the property has been recovered and the petitioner is having one previous case.

5. Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srirengam, Trichy 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 respondent Police or to the Police Officer, who intends to arrest or 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/-
31/07/2024

(*)For Corrected as per Order of this Hon'ble Court dt.10.09.2024 in CrI.MP(MD).9542/2024 in CrI.OP(MD).12300/2024 by DBCJ.

Further time for complying with the order passed by this Court is extended for a period of one week from the date of receipt of a copy of this order.

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

TO BE SUBSTITUTED WITH THE ORDER DT.31.07.2024 IS ALREADY DESPATCHED

1.The Judicial Magistrate,
Srirengam, Trichy.

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

3.The Inspector of Police,
Srirangam Police Station,
Trichy District.

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

+1CC to M/s.G.MATHAVAN, Advocate, SR No.11142 (I), dated 11.09.2024

ORDER IN

CRL OP(MD) No.12300 of 2024

Date :31/07/2024

ED/ JGB /SAR- (13/08/2024) 4P / 6C

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SA/SG/SAR. /23.09.2024/4P/6C

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