



CRL OP(MD). No.12610 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

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

CRL OP(MD). No.12610 of 2024

Karuppasamy

... Petitioner/ Accused No.1

Vs

The Inspector of Police,

Theni Police Station,

Theni District.

Crime No.302/2024

... Respondent/ Complainant

For Petitioner : Mr.C.Saravanakumar, 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.302/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(b) r/w 24(1) of Cigarette and Other Tobacco Products Act, 2003, and 274, 275 & 123 of BNS Act, in Crime No.302 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were in illegal possession of 250 Kgs of banned tobacco products worth about Rs.1,29,000/-.

Hence, the complaint.

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



CRL OP(MD). No.12610 of 2024

WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and other accused were in illegal possession of 250 Kgs of banned tobacco products worth about Rs.1,29,000/-. The investigation in this case is not yet completed. However, he fairly conceded that the co-accused was released on bail and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the 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.6,000/- (Rupees Six Thousand only) to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of “Madurai Bench of Madras High Court” in Kalaigarn Centenary Library, Madurai, without prejudice to his rights and contentions before



CRL OP(MD). No.12610 of 2024

the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Theni.

WEB COPY

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, Theni, 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 four 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



CRL OP(MD). No.12610 of 2024

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

WEB COPY

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/-
02/08/2024

/ TRUE COPY /

/08/2024

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

DSS
TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, THENI POLICE STATION, THENI 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, KALAI GNAR CENTENARY LIBRARY, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-9396[I] dated 02/08/2024)



WEB COPY



CRL OP(MD). No.12610 of 2024

ORDER

IN

CRL OP(MD) No.12610 of 2024

Date :02/08/2024

RS/GS/SAR-(23.08.2024) 5P 8C

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