



CRL OP(MD). No.13499 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13499 of 2024

Thirumurugan,

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
Udaiyalipatti Police Station,
Pudukkottai District.
Crime No.96/2024.

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.96/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the



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respondent police for the offences punishable under Sections 123 & 275 of BNS Act, r/w 6(a) and 24(1) of COTPA, 2003, in Cr.No.96 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of tobacco products. Hence, the complaint.

3.Heard both sides.

4.The this Court seriously considers the earlier antecedents of the petitioner that he got three previous cases of similar nature.

5.The learned counsel for the petitioner submits that the petitioner is ready and willing to file an undertaking affidavit that he will not indulge in trade of tobacco or tobacco related products in future.

6.Considering the nature of allegations and also considering the argument of the learned counsel for the petitioner that he is ready and willing to file an undertaking affidavit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 District Munsif Cum Judicial Magistrate, Keeranur, 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



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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 also file an affidavit before the trial court that he will not involve in any kind of trade relating to the tobacco or tobacco products;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



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

sd/-
19/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KEERANUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
UDAIYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-10189[I] dated 21/08/2024)



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ORDER

IN

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Date :19/08/2024

SA/GS/SAR. /24.08.2024/5P/6C

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