



CRL OP(MD). No.15197 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15197 of 2024

Shanmugaraj

... Petitioner/ A-2

Vs

The Inspector of Police,
Sankarankovil Twon Police Station,
Tenkasi District.
Crime No.363 of 2024

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate.

For Respondent : Mr.A.Albert James
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :- For Anticipatory Bail in Crime No.363 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Section 24(1) of COTPA Act r/w. 123, 132, 351(2) of



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BNS in Crime No.363 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and other accused were in possession of 56 pockets of banned tobacco products. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the nature of allegation that the petitioner dropped the bag full of banned tobacco products and ran away from the scene and considering the argument of the learned Counsel for the petitioner that the petitioner will not sell the banned tobacco products, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of his 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, Sankarankovil, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



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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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Court Penalty Fund, the Dean, Government Rajaji Hospital, Madurai, (Account No. 7097546149, IFSC Code: IDIB000T003, MICR Code: 525019008, Indian Bank, Tallakulam, Madurai), which shall be used for spreading of awareness against Tobacco products, without prejudice to his rights and contentions before the trial Court. Only upon deposit, the petitioner shall be enlarged on anticipatory bail;

(c) As undertaken, an affidavit stating that the petitioner will not sell the banned tobacco products in future shall also be filed before the learned Magistrate concerned.



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(d)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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

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

(g)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;

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

sd/-
10/09/2024

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/10/2024

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

JBR



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TO
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- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOIL, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SANKARANKOIL TOWN POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.(CREDIT OF COURT PENALTY FUND)

ORDER
IN
CRL OP(MD) No.15197 of 2024
Date :10/09/2024

SS/VR/SAR- /03/10/2024/5P/6C

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