



CRL OP(MD). No.17118 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17118 of 2024

Santhanamariyappan

... Petitioner/ Accused

Vs

**The State of Tamilnadu,
Rep by the Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
Crime No.124 of 2024.**

... Respondent/Complainant

For Petitioner : Mr.D. Packiaraj, Advocate

For Respondent : Mr.A.Albert James,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

**For Anticipatory Bail in Crime No.124 of 2024 on the file of the Respondent
Police.**



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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 123 of BNS and 6(b) and 24(1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.124 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally sold 16 packet of Ganesh 701 Tobacco. Hence, the complaint.

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

4.Considering the quantity of Tobacco products has been recovered from the petitioner's petty shop and considering the argument of the learned counsel for the petitioner that the petitioner will file an affidavit that henceforth the petitioner will not sell any tobacco products in his petty shop, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, this Petition is allowed and 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-II at Sattur, 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



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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 two weeks;

(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.



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6.As undertaken, an affidavit shall also be filed before the respondent police that without prejudice to the contents in this case, the petitioner will not in any manner sell tobacco products in his petty shop.

sd/-
04/10/2024

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/ 10 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE-II
SATTUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTTHUR.

3 THE INSPECTOR OF POLICE,
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.PACKIARAJ, Advocate (SR-12293[I] dated 07/10/2024)



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ORDER
IN
CRL OP(MD) No.17118 of 2024
Date :04/10/2024

PSP/ JGB /SAR /25.10.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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