



CRL OP(MD). No.17376 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17376 of 2024

Mahalingam

... Petitioner/ Accused No.2

Vs

The State Rep by its,
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.271 of 2024)

... Respondent/Complainant

For Petitioner : Arunraj K,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.271 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 275 and 123 BNS r/w. 6 and 24(1) of Cigarette and Tobacco Products Act, 2003 in Crime.No.271 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein was illegally found in possession of banned Tobacco Products. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent Police and perused the materials available on record.

4. Considering the nature of allegations in this case that in the ground floor there is a petty shop which is selling the banned Tobacco products including cool lip which is said to be spoiling the young kids and that the petty shop owner and the other accused are safely keeping the tobacco products in the advocate's office belonging to the petitioner and only considering the undertaking given by the



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learned counsel for the petitioner that the petitioner did not do the same intentionally and that he will file an affidavit while executing the surety that he will shift the office within one month from the date of execution of the surety, I am inclined to enlarge the petitioner on anticipatory bail.

5. 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, Musiri 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) As per the undertaking, the petitioner shall file an affidavit that he will shift the office within one month from the date of execution of the surety and the



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said fact shall be intimated to the Investigating Officer after shifting the office within a period of 3 days;

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(c) the petitioner shall report before the respondent police daily at 9.00 am for a period of two 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/-
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/11/2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Musiri
2. Do-Through, The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Musiri
Police Station, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-12700[I] dated 18/10/2024)

ORDER IN
CRL OP(MD) No.17376 of 2024
Date : 18/10/2024

SI -(07.11.2024) 5P/ 6C

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