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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

CRL OP(MD). No.19755 of 2024

Vignesh @ Vigneshwaran

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District,
Crime No. 756 of 2024.

... Respondent/Complainant

For Petitioner : Mr. Haroon Rasheed.D.S, 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. 756 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 Sections 275, 123 of BNS (hereinafter referred to as new penal code) and Section 24(1) of Cigarette and other Tobacco Products Act 2003 and Section 77 of the Juvenile Justice (Care and Protection) Act, 2015 in Crime No.756 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on secret information received by the respondent police, on 19.10.2024, A1 was found in possession of 25 bundles of banned tobacco products weighing 2.419 kgs. The petitioner has been arrayed as A2 and he is the son of A1.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are four previous cases pending against the petitioner, out of which, three cases have been disposed of and there is one pending case against him. The learned Government Advocate (Crl.Side) further submitted that A1, who is the mother of the petitioner was arrested on 19.10.2024. The learned Government Advocate (Crl.Side) submitted that the tobacco products were kept in the retail shop and it was sold.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the entire tobacco products have been seized and the mother of the petitioner has already been arrested in this case, this Court is inclined



to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory 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 No.I, Sivagangai**, 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 05.30 p.m until further orders.

[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

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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;

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

sd/-
15/11/2024

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/11/2024

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

LR

TO

1. The Judicial Magistrate No.I,
Sivagangai.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19755 of 2024

Date :15/11/2024

MK/25.11.2024 4P/5C

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