



CRL OP(MD). No.20816 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20816 of 2024

Alaguraja

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by its Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No.328/2024..

... Respondent/Complainant

For Petitioner : Mr.P R Boomee Rajan, 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.328/2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 123 of BNS Act, 2023 and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.328 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 29.10.2024, the accused persons are said to have transported 6 bags of banned tobacco products, totalling 74 kgs in the Auto, belonging to the petitioner. There are two accused persons in this case and the petitioner has been arrayed as A2.

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

4. Taking into consideration of the facts and circumstances of the case and considering the fact that the entire banned tobacco products have already been seized and there are no previous cases against the petitioner and A1 was already arrested and later, enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner.



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5. 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, Rajapalayam, Virudhunagar District, 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 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;



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[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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
28/11/2024

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/12/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate, Rajapalayam, Virudhunagar District,
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District @ Srivilliputhur.
3. The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.



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

+1 CC to M/s.PR.BOOMEERAJAN, Advocate (SR-14759[I] dated 02/12/2024)

ORDER
IN
CRL OP(MD) No.20816 of 2024
Date :28/11/2024

RK/SKN (06/12/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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