



CRL OP(MD). No.22294 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22294 of 2024

Kuparam

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Gandhi Market Police Station,
Trichy City, Trichy.
Crime No. 727/2024

... Respondent/Complainant

For Petitioner : Ms.R.Yamuna, 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.727 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under section 123 of BNS, 2023 r/w Sections 6 and 24(1) of the Cigarette and Other Tobacco Products Act, 2003 in Crime No.727 of 2024 on the file of the respondent police, seeks anticipatory bail.

<https://www.mhc.tr.gov.in/judis>



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2. The case of the prosecution is that the petitioner is running a stationery shop and in this shop, he was illegally having 30 kgs of banned tobacco products. There are two accused persons in this case and the petitioner has been arrayed as Accused No.1. Accused No.2 has already been arrested in this case.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that the banned tobacco products have already been seized and there are no previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

5. Accordingly, 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.V, Trichy, 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 fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.



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[b] the petitioner shall report before the respondent police every Monday and Friday at 05.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation;

[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 269 of BNS, 2023.

sd/-
18/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO

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1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, GANDHI MARKET POLICE STATION,
TRICHY CITY, TRICHY.

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

+1 CC to M/s.R.YAMUNA, Advocate (SR-15577[I] dated 18/12/2024)

ORDER
IN

CRL OP(MD) No.22294 of 2024

Date :18/12/2024

RS/SKN/SAR-(02.01.2025) 4P 6C

Madurai Bench of Madras High Court is issuing
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