



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2160 of 2018

1 SUBRAMANIAN
2 RASU
3 MUTHAIAH
4 ARUMUGAM
5 RAMANATHAN
6 MAHALINGAM

... PETITIONERS / PETITIONERS/
ACCUSED NO. 1 TO 6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CR.NO. 11/2018

... RESPONDENT / RESPONDENT/
COMPLAINANT

For Petitioners : M/S.G.THALAIMUTHARASU Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

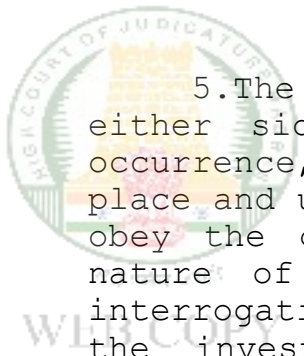
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 143, 188, 353 of IPC and r/w. Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.11 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police conducting the patrol duty, the petitioners were found in possession of 32 Pockets of Tobacco and snuff pockets. Hence, the defacto complainant has lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, the petitioners herein consuming liquor in the public place and used tobacco made products. Moreover, they are refused to obey the order passed by the respondent Police. Considering the nature of offences committed by the petitioners the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 condition that:

- (i) the petitioners shall stay at Paramakudi and report before the Inspector of Police, Town Police Station, Paramakudi, daily at 10.00 a.m. until further orders;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-
12/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE
TOWN POLICE STATION, PARAMAKUDI.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.2290

ORDER

IN

CRL OP(MD) No.2160 of 2018

Date :12/02/2018

MKV-PM-PN-SAR 1/15.2.2018/3P-7C