



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP (MD) No.383 of 2018**

1 M. SENTHIL KUMAR

2 P. MARIMUTHU

... PETITIONERS/ACCUSED No.2,3

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
NATHAM POLICE STATION,  
DINDIGUL DISTRICT,  
(CRIME NO. 668/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SANKAR Advocate

For Respondent : Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 6 (a) r/w 24 (1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.668 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were selling prohibited Tobacco products in front of school. Hence, the respondent Police registered the present case against the petitioners.

3.The learned counsel appearing for the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences and pleads for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the investigation is still pending.



5.The submissions made by the learned counsel on either side are considered. It is alleged that the during the time of alleged occurrence, the petitioners have sold the tobacco products in front of the school. Admittedly, the petitioners are the first offender and they all are having the permanent address. Now considering the nature of the offence committed by the petitioners, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Natham 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 report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (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/-  
10/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, NATHAM

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE,  
NATHAM POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.S.SANKAR Advocate SR.No.504

ORDER

IN

CRL OP (MD) No.383 of 2018

Date :10/01/2018

PK/RR/SAR-1/12.01.2018 : 3P/6C