



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21515 of 2018

1. JEYARAJ
2. JOHNSON
3. PAULRAJ

... PETITIONERS / A2,A3 & A5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT
CRIME NO.181/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.MURUGAN Advocate

For Respondent : MR.M.ASOKAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners are apprehending arrest at the hands of the respondent police for the offence punishable under Sections 328 of I.P.C., and 6(a) and 6(b) of Cigarette and other Tobacco Products Act, 2003, in Crime No.181 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 28.11.2018 at about 11.00 a.m., when the respondent was in raid in search of prohibited tobacco products, the petitioners were illegally kept tobacco products in the godown.

3.The learned counsel for the petitioner submitted that the petitioners herein are accused nos.2,3 and 5. A1 in this case was arrested on 28.11.2018.

4.Since, the prime accused A1 has already been arrested, this Court is inclined to grant anticipatory bail to the petitioners. 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, Vilathikulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-



(Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM , TUTICORIN DISTRICT
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT
3. THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.MURUGAN Advocate SR.No.22689

ORDER

IN

CRL OP(MD) No.21515 of 2018

Date :05/12/2018