



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21724 of 2018

PAPPU REDDIYAR

... PETITIONER/ ACCUSED NO.4

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
IN CRIME NO.181 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.M.ARUMUGAM, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner 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 petitioner has illegally kept tobacco products in the godown.

3.The learned counsel for the petitioner submitted that the petitioner herein is A4 and he has been falsely implicated in this case. A1, A2 and A3 in this case was arrested on 28.11.2018.

4. Heard the learned counsel appearing for the State.

5.Since, the prime accused A1 has already been arrested, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on 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, Vilathikulam, on condition that the petitioner 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:

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[a] if the petitioner 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 petitioner shall report before the respondent police 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]**.

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

sd/-

07/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE, VILATHIKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21724 of 2018

Date :07/12/2018

MS/PN-AC/SAR-2/13.12.2018/2P.5C