



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21019 of 2018

A.RISWAN AHAMED

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.669 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.SABEER MOHAMED Advocate

For Respondent : MR.M.ASOKAN, Government Advocate

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

ORDER : The Court Made the following order :-

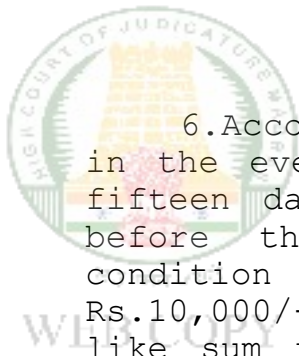
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6(a) and 20(2) of the Cigarette and other Tobacco Products Acts 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Cr.No.669 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that 15.11.2018 when the defacto complainant along with police personnel went to hospital check up, they found school students have purchased some items from one person and on seeing the police personnel, they escaped from that place. On suspicion, the police followed the accused person without his knowledge and found that the accused person sold tobaccos to the school students. Hence, the case was registered.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution. The godown is belongs to his father and the petitioner is working as a sales representative in Avin Milk.

4.The learned Government Advocate (Crl. Side) submitted that the A1 is the father of A2. A1 was arrested and released on bail.

5.Taking into consideration the facts of the case, this Court inclined to grant anticipatory bail to the petitioner.



6. 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 No.III, Dindigul, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.
- 2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.I.SABEER MOHAMED Advocate SR.No. 22419

ORDER

IN

CRL OP(MD) No.21019 of 2018

Date :28/11/2018