



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2586 of 2019

1 A.N.HANIFA
2 MEERAN KANI

... PETITIONERS/ACCUSED NO.1 & 5

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.66/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.A.JINNAH Advocate

For Respondent : MR.S.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

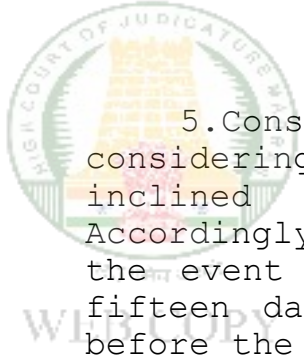
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 r/w Section 77 of JJB Amendment Act, 2015 in Cr.No.66 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are in illegal possession of two gunny bags of banned tobacco products and hence, the Law Enforcing Agency registered a case as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent person. However, he would submit that the petitioners are ready and willing to deposit a sum of Rs.1,00,000/- to the Secretary, Social Welfare Department, Fort St.George, Chennai, for the purpose of maintaining the Government Hospitals.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would vehemently oppose for granting of anticipatory bail to the petitioners. However, he would submit that anticipatory bail may grant by imposing stringent conditions.



5. Considering the facts and circumstances of the case and considering the undertaken given by the petitioners, 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, Cheranmahadevi, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall make a non refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) jointly through demand draft to the credit of the Secretary, Social Welfare Department, Fort.St.George, Chennai, for the purpose of maintaining the Government Hospitals, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., 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]; and;

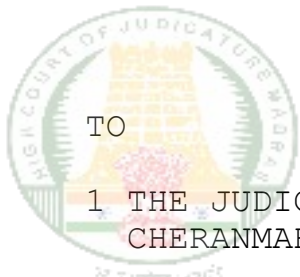
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/02/2019

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



TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-3437[I] dated 20/02/2019)

COPY TO:

THE SECRETARY,
SOCIAL WELFARE DEPARTMENT,
FORT.ST.GEORGE, CHENNAI.

ORDER

IN

CRL OP(MD) No.2586 of 2019

Date :20/02/2019

JM/PN/SAR 1/25.02.2019/3P/7C