



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8411 of 2020

1. Subbiah
2. Parthiban

... Petitioners/Accused Rank
A1 & A2

Vs

The State Rep. by
The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
Cr.No. 342 of 2020.

... Respondent/Complainant

For Petitioners : M/s.M.Shema Daniel,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

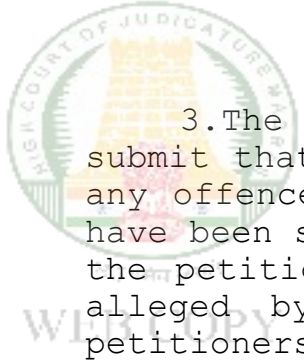
PRAYER :-

For Anticipatory Bail in Cr.No.342 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 482, 483, 486 and 420 of I.P.C., in Crime No.342 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a Manager of one Mohamed Syed Beedi Company. The allegation is that the petitioners herein were using the fake labels of the de-facto complainant company and manufactured fake beedies. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not involved any offence as alleged by the prosecution. The beedies are said to have been seized in a third party house and it is not recovered from the petitioners herein and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners also filed an undertaking affidavit before this Court, stating that the petitioners will not involve in any activities of pasting, wrappering label of syed beedi company or any other beedi company.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners have manufactured fake beedies in the name of de-facto complainant company and hence, the crime was registered against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the seized was made in a house not from the petitioner and the undertaking affidavit filed by the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Alangulam, Tirunelveli District on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each 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:

(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 report before the respondent police once in a week i.e., on every Monday 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



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

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/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8411 of 2020
Date :26/08/2020

SJI
TE/AKM/SAR-III : 31/08/2020 : 3P/5C