



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/12/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.14037 of 2020

1.Subramani  
2.Kumar

... Petitioners/Accused No.3 & 4

Vs

State Rep. by  
The Inspector of Police,  
Thatchanallu Police Station,  
Tirunelveli District.  
Crime No.1056 of 2020

... Respondent/Complainant

For Petitioners: Mr.P.Praveenkumar,  
Advocate.

For Respondent : Ms.M.Ananthadevi,  
Government Advocate (Crl.Side)

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

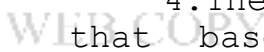
PRAYER :-

For Anticipatory Bail in Crime No.1056 of 2020 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under section 328 IPC and Section 6(a), 6(b) and Section 24(1) of Cigarettes and other Tobacco Products Act, 2003, in Crime No.1056 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police intercepted the vehicle bearing Registration No.TN-69-AD-5959 on 08.09.2020, they found the petitioners and other accused persons were in possession of 2256 pockets of gutka and Cool Lip and 195 gunny bags contains 100 pockets of Tobacco Leaves and Cool Lip from the Eicher vehicle bearing Registration No.TN-75-C-1525. Based on the information, the respondent police seized the contraband and  
<https://hcdvcs.courts.gov.in/hcdvcs/> and A2. Hence, the case has been registered.



5.The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that A1 and A2 were already arrested and released on bail. Since the contraband recovered from the petitioners are huge, he prayed for dismissal of this petition against the petitioners.

7. Accordingly, the petitioners shall make a non refundable deposit of Rs.1,00,000/- (Rupees One lakh only) each to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai-20, without prejudice to their rights and contentions before the trial Court, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(b) the petitioners shall report before the respondent police daily at 10.00 a.m without fail for a period of two weeks and thereafter as and when required for interrogation;

(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
04/12/2020

/ 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 NO.IV,  
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,  
THATCHANALLU POLICE STATION,  
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
CANCER INSTITUTE (WIA),  
NO.38, SARDAR PATEL ROAD,  
ADYAR, CHENNAI- 20.

ORDER  
IN  
CRL OP(MD) No.14037 of 2020  
Date : 04/12/2020

vsd  
JM/JC/SAR III/10.12.2020/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>