



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

Date : 23/12/2020

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PRESENT

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

CRL OP(MD).No.15656 of 2020

1.Shajahan

2.Thomas Singh @ Kumar

... Petitioners/Accused Nos.2&3

Vs.

The State rep. by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No.362 of 2020.

... Respondent/Complainant

For Petitioners: Mr.Thiruvadi Kumar.A,
Advocate.

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

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

PRAYER :-

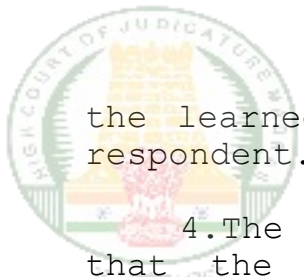
For Anticipatory Bail in Crime No.362 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 273 and 328 of IPC and Section 6(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.362 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were found in possession of 435 kgs of Tobacco products without valid license. Hence, the present complaint.

<https://hcservices.courts.gov.in/hcservices/> 3.Heard the learned counsel appearing for the petitioners and



the learned Government Advocate (Criminal Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that only based on the confession statement of A1, the petitioners have been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that there is no previous case pending against the petitioners.

6.Considering the facts and circumstances of the case and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 Judicial Magistrate Court No.1, Kulithurai, Kanyakumari District, 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:

(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 as and when required for interrogation;

(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



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

sd/-

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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.I,
KUZHITHURAI,
KANYAKUMARI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15656 of 2020

Date :23/12/2020

VSD

SRS/SMA/SAR-II/07.01.2021/3P/5C