



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5106 of 2021

Jahir Hussain ... Petitioner/Accused Rank not known

Vs

The state rep.by
The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.

Cr No. 128/2021. ... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 128/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the
respondent police for the alleged offences punishable under sections
284, 328 I.P.C., r/w 6(a), 24(1) of Cigarette and other Tobacco
products Acts, 2003 in Crime No.128 of 2021 on the file of the
respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned
Government Advocate(Crl.Side) appearing for the State.

3. The case of the prosecution is that on 21.03.2021, when the
special election squad team has conducted the ride, the vehicle
belonging to the petitioner bearing registration No.TN-60-H-4532 was
intercepted and it was found in possession of 138 Kilograms of
tobacco and the same has been seized by the respondent police and
hence, the present complaint has been registered.



offence.

5. The learned Government Advocate (Crl.side) would submit that the petitioner is the owner of the vehicle and the investigation is going on.

6. Taking into consideration the facts and circumstances of the case and the fact that the petitioner is the owner of the vehicle, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Aranthanki, Pudukkottai District, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 and on further condition that:

[a] the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adayar, Chennai-20, without prejudice to his rights and contentions before the trial Court.

[b] the petitioner 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.

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

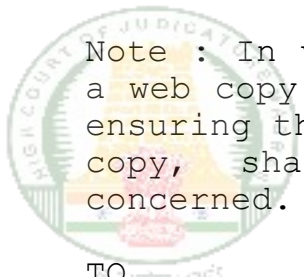
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/04/2021

/ TRUE COPY /

/ /2021
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
ARANTHANKI, PUDUKOTTAI DIST
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI
- 3 THE INSPECTOR OF POLICE
MIMISAL POLICE STATION,
PUDUKKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to:

THE OFFICER IN CHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL
ROAD, ADAYAR, CHENNAI 600 020

ORDER

IN

CRL OP(MD) No.5106 of 2021

Date :08/04/2021

SMA/PN/SAR-2/17/04/2021/3P/6C