



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.13251 of 2021

Mohammed Yunus ... Petitioner/Accused No.5

Vs

The state represented by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No. 406 of 2021). ... Respondent/Complainant

For Petitioner : Mr.V.Angusamy,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 406 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
6(b) and 24(1) of Cigarette and Other Tobacco Products Acts 2003, in
Crime No.406 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 28.08.2021, the
accused was found in possession of prohibited Tobacco Products.
Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He further submitted that the petitioner is the
employee of the main accused and the main accused has been granted
anticipatory bail by the Court of Sessions.



4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the petitioner is only the employee of the main accused and that the main accused has been granted anticipatory bail by the Court of Sessions, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Sivakasi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

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

[d]the petitioner 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 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]**.

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

sd/-

06/10/2021

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/ /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 NO.I,
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13251 of 2021
Date :06/10/2021

ssb

SS/PN/SAR-IV/13.10.2021 : 3P/5C