



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01.10.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI
CRL OP (MD)No.14562 of 2021

WEB COPY

NAINMAL ALIAS NAINMAN

... PETITIONER/ACCUSED NO.2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
(CRIME NO.340 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Vinoth Bharathi, Advocate.
For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.340 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 328 IPC r/w 6(b), 24(1) of Cigarette and Other Tobacco Products Acts 2003 in Crime No.340 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 16.08.2021, when the respondent police was on patrol duty, they caught one Ganeshan, who was in possession of 12 pockets of vimal panmasala in a white color gunny bag. On enquiry, he confessed that the vimal panmasala packets were purchased from the petitioner herein. 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 apart from the confession statement, there is no other material against the petitioner and to show his bona fide, the petitioner has come forward to pay a sum of Rs.25,000/- to the credit of Chief Minister's Public Relief Fund.

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, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.IV, Tirunelveli.

7.On production of such receipt/acknowledgment, 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.IV, Tirunelveli, 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 am., 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/-
01/10/2021

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

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.14562 of 2021
Date :01/10/2021

ssb
USK/SKN/SAR-III/(08.10.2021) 3P-6C