



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

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PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.1250 of 2022

Kalimuthu

... Petitioner/Accused Rank No.3

Vs

The State Rep.by
The Sub Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(Crime No.17/2022).

... Respondent/ Defacto Complainant

For Petitioner : M/s. P.Banuprasath
Advocate.

For Respondent : S.Manikandan,
Government Advocate (Crl.Side)

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

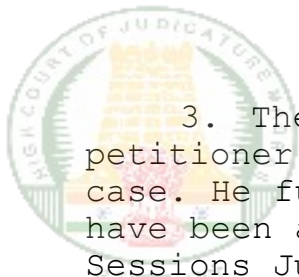
PRAYER :-

For Anticipatory Bail in Crime No.17/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1-A) of TN Prohibition Act and under Section 328 of IPC read with under Section 24(1) of Cigarette and other Tobacco Products Acts in Crime No.17 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police have visited the place of the accused and found illegally stocked brandy bottles and banned tobacco products. They seized the contraband and filed the present case.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the accused nos.1 and 2 in this case have been already granted anticipatory bail by the learned Principal Sessions Judge, Thoothukudi on 28.01.2021.

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4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is having previous cases, but not in the similar nature.

5. Considering the nature of offence and the fact that the co-accused have been granted anticipatory bail and the fact that no similar case has been pending against this petitioner and also the fact that the property has already been recovered, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, on condition that the petitioner shall execute 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

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, Srivaikundam,
Thoothukudi District.

2. -do-Through The Chief Judicial Magistrate,
Thoothukudi District.

3.The Sub Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.(Crime No.17/2022).

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-735[I] dated 04/02/2022)

ORDER

IN

CRL OP(MD) No.1250 of 2022

Date :03/02/2022

RD/JM/SAR-IV(11.02.2022) 3P 6C