



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.2177 of 2022

Eshak Mathina Ole ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli City.
(Crime No.474/2021).

... Respondent/Complainant

For Petitioner : M/s. S.M.A.Jinnah
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.474/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 328 of IPC and Section 6(b), 24(1) of the Cigarettes and other Tobacco Products Act in Crime No.474 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the basis of the confession statement given by the co-accused, the petitioner has been implicated in this matter. On the ground that he had sold the banned Panmaslaa and other tobacco products to the first accused. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is having a petty shop.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that no previous case has been filed against the petitioner.

5. Considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner. The petitioner has to file an undertaking affidavit that he will not indulge in such an illegal activities in future. If any case is registered after grant of bail by this Court, the relief of bail granted to the petitioner will automatically get cancelled.

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, Ambasamudram, 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 once in a month 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.

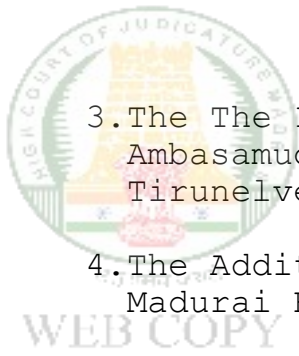
pnn

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, Ambasamudram.

2.-do-Through The Chief Judicial Magistrate,
Tirunelveli City.



3.The The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli City.

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

ORDER

IN

CRL OP(MD) No.2177 of 2022

Date :03/02/2022

RD/JM/SAR-III (11.02.2022) 3P 5C