



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

Date : 15/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3230 of 2022

Seeni Mohamed

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
(Crime No.15/2022)

... Respondent/Complainant

For Petitioner : MR.T.A.OMPRAKASH, Advocate for
Mr.T.J.Ebenezer Charles, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.15 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 6,
24(1) of Cigarette and other Tobacco Products Act, 2003 and Section
328 IPC, in Crime No.15 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 10.01.2022, on search
by police party, the accused persons were found in illegal
possession of 185 kgs of banned tobacco products. Hence, the
complaint.

3.The learned counsel appearing for the petitioner submits that
the petitioner is innocent, not committed any such offence and that
the co-accused was already enlarged on bail. Hence, he seeks
anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent police would submit that there was no recovery from the



5.Considering the nature of charges levelled against the petitioner and also the facts that there was no recovery from the petitioner and that the co-accused was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.V, Trichy, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner shall deposit a sum of Rs.10,000/- (**Rupees Ten 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 concerned Court while executing sureties.

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 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/02/2022

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/ /2022

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.V,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1 CC to Mr.T.J.EBENEZER CHARLES, Advocate (SR-1159[I] dated 16/02/2022)

ORDER
IN
CRL OP(MD) No.3230 of 2022
Date :15/02/2022

PNM
MK/SBN/SAR.II/23.02.2022/3P/7C