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

Date : 13.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6929 of 2022

R.Abdul Majeeth

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.106/2022)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, 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.106 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 294 (b) and 506(ii) of IPC and Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 77 of Juvenile Justice Act, in Cr.No.106 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 were found in possession of 15 pockets of ganesh tobacco worth about Rs.120/- illegally, which was sold to the school studentds. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession taken from the co-accused. He would further submit that A1 was already arrested and released on bail by the Sessions Court.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the property has been recovered and that the petitioner is having four previous cases for similar offence.

5.Considering the nature of the charges levelled against the petitioner, that the property has been recovered and also the fact that A1 was already arrested and released on bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees 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 Judicial Magistrate Court, Tenkasi.

7.On production of such receipt/acknowledgment, 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 Court, Tenkasi, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)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.

(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]**; and;
(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-

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/ /2022

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

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

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S. KARTHICK.R.J. Advocate SR.No.3372

ORDER

IN

CRL OP(MD) No.6929 of 2022

Date :13/04/2022