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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12256 of 2022

Mahesh

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Muneerpallam Police Station,
Crime.No.172/2022,
Tirunelveli District.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.172 of 2022 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 Section 328 of IPC and Section 6 & 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.172 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that upon the information from the higher officials, when the respondent police are in surveillance near Perienbapuram Bus Stop, they found the first accused and recovered Cool Lip Filter Tobacco and Ganesh 701 Tobacco products from him. They arrested the first accused and on the basis of the confession statement made by him, the second accused was implicated in the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The main accused A1 was arrested and remanded in judicial custody. The petitioner is the son of the first accused.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the father of the petitioner, who has been arrested and remanded in judicial custody. The

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petitioner is also found in the place of occurrence along with the accused and on seeing the police party alone, he ran away from that place. The petitioner is not having any previous case similar in nature.

5. Considering the facts and circumstances of the case and considering the overt act attributed against the petitioner, 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 No.V, Tirunelveli, 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/-

07/07/2022

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/07/2022

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

ORDER

IN

CRL OP(MD) No.12256 of 2022

Date : 07/07/2022

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