



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16375 of 2022

Mariyappan @ Border

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No. 251 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anantha Murugan.S.M., Advocate

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

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

PRAYER :-For Anticipatory Bail in Crime No.251 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 272, 273, 328 IPC, in Crime No.251 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were found in possession of banned tobacco products. Hence, the complaint.

3.On the side of the petitioner it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A2. Based on the confession of A1, this petitioner was impleaded in this case. A1 was already enlarged on bail. Hence, prays to release him on anticipatory bail.

4.On the side of prosecution, it is stated that the co-accused was enlarged on bail on account of medical ground. Though the
<https://www.mca21.com.in/> is not having any bad antecedent, there are sufficient



materials to implead this petitioner in this case and hence to dismiss the petition.

5. Considering the nature of the offence, that the co-accused was already enlarged on bail and that the petitioner is not having any bad antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Judicial Magistrate No.II, Sivakasi, Virudhunagar 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 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 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;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/09/2022

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/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ANANTHA MURUGAN.S.M. Advocate SR.No.9915.

ORDER
IN
CRL OP(MD) No.16375 of 2022
Date :12/09/2022

PNM
MK/VRS/SAR.II/16.09.2022/3P/6C