



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

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16515 of 2022

Moses

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Nachiyapuram Police Sttion,
Sivagangai District,
in Crime No.57 of 2022.

... Respondent/Complainant

For Petitioner : M/s.J.Bharathiveerakumar
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. 57 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 of IPC and 6(b) read with 24(1) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.57 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A2 and A1 were in illegal possession of 2 Kgs of Cool Lip, 38 Kgs of Ganesh Tobacco, 5 Kgs of Vimal Tobacco, totally worth about Rs.50,000/- in a vehicle. Hence complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted that the petitioner/A2 and A1 are relatives. The petitioner is running a grocery shop and selling Tobacco products in the shop. The petitioner is having one previous case of similar nature. A1 has been released on bail and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of the offence and also the fact that A1 in this case was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and 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 Principal District Munsif cum Judicial Magistrate Court, Thiruppathur, Sivagangai 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, until further orders;

(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/-

14/09/2022

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/09/2022

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



TO

1. THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
NACHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.J.BHARATHIVEERAKUMAR, Advocate (SR-9988[I] dated
14/09/2022)

ORDER

IN

CRL OP(MD) No.16515 of 2022

Date :14/09/2022

pnn

USK/VR/SAR-I/19.09.2022/3P/6C