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CRL OP(MD). N



22

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

Date : 21/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.16922 of 2022

1. Nadarajan
2. N.Malarkodi

... Petitioners/Accused No.1 &
Rank Not Known

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

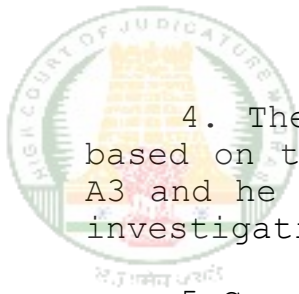
PRAYER :-For Anticipatory Bail in Crime No.251 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 272, 273 and 328 IPC in Crime No.251 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused said to have found in possession of 1337 pockets of Tobacco products. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned Government Advocate(Crl.Side) would submit at based on the confession of A1, 2nd petitioner herein is arrayed as A3 and he would further submit that A2 already granted bail and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact co-accused has already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the Annai Sathiya Ammaiya Memorial Government Children Home (Dr.Thangaraj Colony, K.K.Nagar, Madurai - 625 020, **(Account No:-37487255860, IFSC Code:- SBIN0007922, State Bank of India, Madurai)** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/09/2022

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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.

COPY TO:

THE OFFICER INCHARGE,
ANNAI SATHIYA AMMAIYAR MEMORIAL GOVERNMENT
CHILDREN HOME,
DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI - 625 020.

+1 CC to M/s.ANANTHA MURUGAN S.M, Advocate (SR-10350[I] dated
22/09/2022)

ORDER

IN

CRL OP(MD) No.16922 of 2022

Date :21/09/2022

TRP

MK/SBN/SAR.I/26.09.2022/3P/7C