



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/09/2022
PRESENT

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

CRL OP(MD). No.16980 of 2022

Rabik

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.337 of 2022.

... Respondent/Complainant

For Petitioner : M/s.FAZIL KIRMANI.B,
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.337 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 273, 328 of IPC r/w.Sec 7(2) and 20(2) of Cigarette and other Tobacco Products Act, 2003 in Cr.No.337 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up, the petitioner and other accused have found in possession of banned Tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused have already been released on bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is having one previous case in similar nature and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already released on

<https://www.mhc.tn.gov.in/judis>



bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate, Periyakulam, 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 is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, **(Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b), 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;

(c) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/09/2022

/ TRUE COPY /

/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

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

COPY TO:

THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI,
MADURAI EAST, MADURAI.

+1. CC to M/S.FAZIL KIRMANI B Advocate SR.No.10378

ORDER

IN

CRL OP(MD) No.16980 of 2022

Date :22/09/2022

TRP

SA/GB/SAR.2/03.10.2022/3P/7C