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CRL OP(MD). N



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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.17034 of 2022

Manimegalai

... Petitioner/1st Accused

Vs

The state rep.by,
The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
(Crime No.548/2022)..

... Respondent/Complainant

For Petitioner : M/s.Susikumar.C,
Advocate.

For Respondent : Mr.M.Muthmanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.548/2022 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 Section 328 IPC and 24(1), 6(b) of Cigarette and other Tobacco Products Act, 2003 in Cr.No.558 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that petitioner herein is found in possession of banned Tobacco Products worth Rs.3,000/- and the same has been seized.. Hence, the complaint.

3. The learned counsel for the petitioner would submit based on confession of co-accused only the petitioner herein is arrayed as accused. He would further submit that the petitioner is innocent and
<https://www.mhc.tn.gov.in/judis> has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit that the petitioner is not having any previous and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that contra band has been seized, 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 No.IV, Madurai, 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.1,000/- (Rupees One Thousand only) to the Madurai Bench of Madras High Court Dispensary operated by the Registrar (Admin) **(Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank 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) 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;

(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

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

trp

TO

1. THE JUDICIAL MAGISTRATE NO. IV, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SUSIKUMAR C Advocate SR.No.10530

ORDER
IN
CRL OP(MD) No.17034 of 2022
Date : 22/09/2022

RD/VR/SAR-1 (28/09/2022) 3P/7C