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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

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

CRL OP(MD) . No.17327 of 2022

Nallaiya @ Surendran

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.97 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik M.S., 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.97 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(1)& 24(1) of Cigarette and other Tobacco Products Act, 2003 & under Section 328 of IPC in Cr.No.97 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products worth about Rs. 28,800/-. Hence the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner has not involved in this case and he has been falsely implicated in this case. Therefore, he seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit that petitioner found in illegal possession of banned tobacco products. He would further submit that A1 to A4 were already arrested and released on bail.

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

6.Accordingly, the petitioner shall pay a sum of **Rs.2,000/- (Rupees Two Thousand only) to the** Advocates Welfare Fund, Madurai Bench of Madras High Court, bearing Account No.7087208431 in Indian Bank, High Court Branch, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate, Melur.

7.On production of such receipt, 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, Melur, 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 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 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 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.

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Sd/-
28/09/2022

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/10/2022

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

AAV

TO

1. THE JUDICIAL MAGISTRATE,
MELUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, THE ADVOCATES WELFARE
FUND, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAKARTHIK M.S. Advocate SR.No.17327

ORDER
IN
CRL OP(MD) No.17327 of 2022
Date :28/09/2022