



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

Date : 06/10/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17657 of 2022

1. Aliakbar
2. Abdul Sharif

... Petitioners/Accused Nos.2&3

Vs

The State rep. by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No. 364/2022).

... Respondent/Complainant

For Petitioners : M/s.Thalaimutharasu G,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.364 of 2022 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
6(a), 24(i) of Cigarette and other Tobacco Products Act, 2003 and
Section 77 of Juvenile Justice (Care and Production of Children)
Act, in Crime No.364 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 30.09.2022, the
accused persons tried to sell the banned tobacco products to the
school going children and the same was seized from them. Hence, the
complaint.

3.The learned counsel for the petitioner submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is pending.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on 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.V, Tirunelveli on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b] each petitioner shall deposit a sum of Rs.10,000/- as non refundable amount to the credit of Karthika Public Educational and Charitable Trust, SB A/c No.497663303, Indian Bank, Mayiladuthurai, Branch Code: 00165, IFSC Code:IDIB000M023.

(c) the petitioners shall report before the respondent police on every Sunday at 10.30 a.m., for a period of eight weeks.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]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 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].

sd/-

06/10/2022

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/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST,
MAYILADUTHURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10998[I] dated
06/10/2022)

ORDER
IN
CRL OP(MD) No.17657 of 2022
Date :06/10/2022

RMI
USK/VR/SAR- /10.10.2022/3P/7C