



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.17744 of 2022

Shahul Hameed @ Rasappa

... Petitioner/Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : M/s. Nihar Ali.S,
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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6, 24(i) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Production of Children) Act, 2015, 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 petitioner is an innocent person and he has 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 petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is 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 petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

[b] the 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 petitioner shall report before the respondent police on every Sunday at 10.30 a.m., for a period of eight weeks.

[d]the petitioner shall not tamper with the 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].

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,
MAYILADUTHUARI.

+1. CC to M/S. NIHAR ALI.S Advocate SR.No.10999 (I)
(Date:10/10/2022)

ORDER

IN

CRL OP(MD) No.17744 of 2022
Date :06/10/2022

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SA/VR/SAR. /10.10.2022/3P/7C