



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

Date : 06/10/2022

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PRESENT

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

CRL OP(MD). No.17856 of 2022

1. Periyasamy

2. Kaliammal

... Petitioners/Accused No.1 & 2

Vs

THE STATE REPRESENTED BY

The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
(Cr No.160/2022).

... Respondent/Complainant

For Petitioner : Mr.Indrachithu T,
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 Cr No.160/2022 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 offence punishable under Sections 272, 273 and 328 of IPC, Section 24(1) of Cigarette and Other Tobacco Products Act and Section 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.160 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 27.09.2022 the respondent police were on routine patrol, the petitioners were found in possession of banned tobacco products and brandy bottles. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the respondent police and they have been falsely implicated.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the investigation is almost complainant and the contraband is recovered.

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

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, Sankarankovil, Tenkasi District 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] the petitioners shall report before the respondent police as and when required for interrogation.

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

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

IAS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TENKASI, TIRUNELVELI DISTRICT.

WEB COPY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
SANKARANKOVIL TALUK POLICE STATION, TENKASI DISTRICT.

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

+1. CC to M/S.INDRACHITHU T Advocate SR.No.11081

ORDER
IN
CRL OP(MD) No.17856 of 2022
Date :06/10/2022

SS/SVR/11/10/2022/ 3P 6C