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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.18187 of 2022

Periyasamy @ Mathi

... Petitioner/Accused No.3

Vs

The state rep.by,
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
Crime No. 213/2022.

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian.P,
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.213 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 273 and 328 IPC r/w Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Cr.No.213 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A1 and A2 had sold the tobacco products near A1's petty shop. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 and A2 were already arrested and released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner along with A1 and A2 had sold the tobacco products near A1's petty shop and the alleged contraband was seized from the accused. The petitioner is having no previous case. The



investigation in this case is not yet completed. Hence, he is not likely to oppose to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact A1 and A2 were already released on bail and the petitioner is having no previous case, this Court is inclined to grant anticipatory bail to the petitioners 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 District Munsif cum Judicial Magistrate, Illupur, Pudukkottai District, 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 daily at 10.30 am until further orders.

(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.

sd/-

13/10/2022

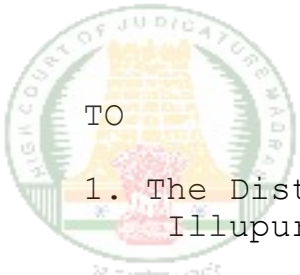
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

<https://www.mhc.tn.gov.in/judis>



TO

1. The District Munsif cum Judicial Magistrate,
Illupur, Pudukkottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.
3. The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.18187 of 2022

Date :13/10/2022

RK/SSS/SAR-2 (19/10/2022) 3P/5C