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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/10/2022
PRESENT

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

CRL OP(MD).No.18716 of 2022

Subbiah

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Mooalakaraipati Police Station,
Tirunelveli District.
(Crime.No.137 of 2022)

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan,
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.137 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

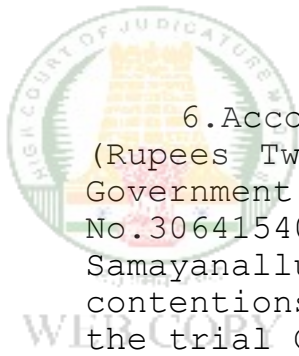
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 328 and 506(ii) of IPC r/w 24(1) of COTPA Act in Cr.No.137 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 216 kg of banned tobacco products worth about Rs.2,50,000/-. 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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition stating that the petitioner is having three previous cases and A2 is still in custody and the investigation is pending. The property was recovered.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



6. Accordingly, the petitioner shall pay a sum of Rs /- (Rupees Twenty Five Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai), without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, Tirunelveli 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 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/-
19/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MOOALAKARAIPATI POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO:

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

+1. CC to M/S.RADHAKRISHNAN G Advocate SR.No.11713

ORDER

IN

CRL OP(MD) No.18716 of 2022
Date :19/10/2022

vsd
SA/SBN/SAR. /28.10.2022/3P/7C