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

Date : 09/11/2022

PRESENT

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

CRL OP (MD) . No.19788 of 2022

Jenskumar @ Jenkumar

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Thattarmadam Police Station,
Tuticorin District.
(Crime No.228 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Praveenkumar 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.228 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 328, 353 and Section 22(a) of Cigarette and other Tobacco Products Act, 2003, in Crime No.228 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were found in possession of banned tobacco products, to the tune of Rs.1,240/-. Hence, the complaint.



3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A2. Based on the confession of A1, this petitioner was impleaded in this case. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioner is not having any bad antecedents and he further stated that A1 was arrested and thereafter released on bail. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the nature of the offence, that the petitioner is not having any bad antecedent at his credit and the grant of bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate, Sathankulam, 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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.

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Sd/-
09/11/2022

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.19788 of 2022
Date :09/11/2022

SP/BUC/SAR I/17/11/2022/3P/5C