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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.20022 of 2022

Maryadass

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District
(Crime No.276 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K P,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

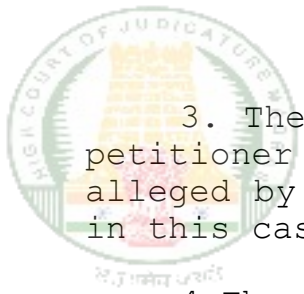
PRAYER :-

For Anticipatory Bail in Crime No.276 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 IPC and r/w. Section 24(1) of COTPA Act, Section 77 of JJ Act 2015, in Cr.No.276 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police are in patrol duty, the petitioner and other accused have illegally found in possession of 30 pockets of Tobacco products worth about Rs.12,870/- and the same was recovered. Hence, the complaint.



3. The learned counsel for the petitioner would submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) would submit that totally three accused involved in this case and the petitioner herein is arrayed as A1 and the property was recovered and the petitioner herein is having no previous case. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the property was recovered, this Court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate, Nanguneri 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 is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023 (Account No:-496039124, IFSC Code:-IDIB000H040)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c) the petitioner shall report before the learned Judicial Magistrate, Nanguneri daily at 10.30 am until further orders.

(d) the petitioner shall not tamper with 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/11/2022

/ TRUE COPY /

/11/2022

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

trp

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
KALAKADU POLICE STATION,
TIRUNELVELI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI - 625023

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-12951[I] dated 14/11/2022)

ORDER
IN
CRL OP(MD) No.20022 of 2022
Date :11/11/2022

USK/SSS/SAR-1 (23/11/2022) 3P/7C