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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20387 of 2022

Mohammed Idris, ... Petitioner/Accused Rank Not known

Vs

State Rep.by

The Inspector of Police,
Pallathur Police Station,
Sivagangai District.

(*)Crime No. 98 of 2022 ... Respondent/Complainant

For Petitioner : M/s.Karuna V, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in **(*)Cr No.98 of 2022** on the file of the respondent police.

[Crime number and offences are amended vide order dated 24.11.2022 in CrI.M.P. (MD)No.14300 of 2022]

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 273 and 348 IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.98 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were in possession of 26kgs of Tobacco products illegally worth about Rs.26,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this

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case. He would further submit that A1 was already arrested and released on bail by the Sessions Court, Sivagangai. However, the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused were in illegal possession of 26kgs of Tobacco products worth about Rs.26,000/-. The investigation in this case is pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that A1 was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only) to the Madurai Bench of Madras High Court Dispensary operated by the Registrar (Admin) (Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Karaikudi, Sivagangai District.

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, Karaikudi, Sivagangai 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 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/-
24/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (ADMINISTRATION)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
ACCOUNTS SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE OFFICER INCHARGE,
DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20387 of 2022
Date : 24/11/2022

sjj

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