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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22154 of 2022

Nishar Ahamed

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No.696 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar D,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.696 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 6 and 24(1) of Cigarette and other Tobacco Act, 2003 and Sections 272, 273 and 328 IPC and Section 77 of the Juvenile Justice (Care and Protection of Children), Act, 2005 in Crime No.696 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the petitioner and other accused were illegally found in possession of 479 Kgs of banned Tobacco products worth about Rs.3,89,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is working in Mobile Shop and he has been implicated in this case as A2 based on the confession of A1. He would further



submit that A1 has already been arrested and released on donation of Rs.10,000/- and he further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to any one of the welfare scheme and he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that totally three accused involved in this case and the petitioner herein is arrayed A3 and there is no previous case against the petitioner and the co-accused has already been released on bail. He would further submit that the petitioner was illegally found in possession 479 Kgs of banned Tobacco products worth Rs.3,89,000/- and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and that the petitioner is not having previous case and the co-accused has already been released on bail, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Ramanathapuram, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

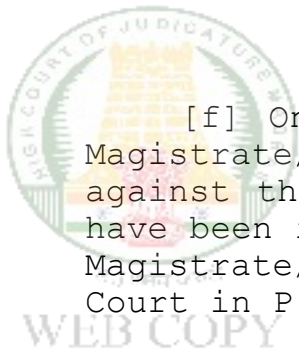
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of the Dean / Medical Officer, Ramanathapuram Medical College Hospital, Ramanathapuram without prejudice to his rights and contentions before the trial Court.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/12/2022

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE, KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN / MEDICAL OFFICER,
RAMANATHAPURAM MEDICAL COLLEGE HOSPITAL,
RAMANATHAPURAM DISTRICT.

ORDER

IN

CRL OP(MD) No.22154 of 2022

Date :20/12/2022

RS/BUC/SAR.2 (30.12.2022) 3P-6C