



CRL OP(MD)No.7522 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7522 of 2024

1.Mohammed Safiullah

2.Noor Mohammed

... Petitioners/ Accused No.1 & 3

Vs

The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
(Crime No.53 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.T.Lenin Kumar, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police



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for the offences punishable under Sections 284, 328 IPC r/w Sections 6(A), 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.53 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 20 ½ kgs of tobacco products. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner is not having any previous cases and the second petitioner is having one previous case, which is similar in nature.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamelkudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the first petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Headmistress, Government Girls High School, Kottampatty, Melur in State Bank of India, Melur Branch, Account No.30636647339 IFSC No.SBIN0000258, MICR Code: 625002021, without prejudice to their contentions and rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners.



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[c]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 229-A IPC.

sd/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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TO
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- 1 THE JUDICIAL MAGISTRATE,
MANAMELKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MIMISAL POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE HEADMISTRESS,
GOVERNMENT GIRLS HIGH SCHOOL,
KOTTAMPATTY, MELUR

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-5578[I] dated 22/05/2024)

ORDER
IN
CRL OP(MD) No.7522 of 2024
Date :22/05/2024

SS/GS/SAR- /23/05/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023