



CRL OP(MD). No.9578 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

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

CRL OP(MD). No.9578 of 2024

Nasima Banu,

... Petitioner/ Accused No.2

Vs

Inspector of Police,
Samayapuram Police Station,
Trichy.
Cr.No.163 of 2024.

... Respondent/Complainant

For Petitioner : Mr.T. J. Ebinezar Charles,Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.163 of 2024 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 offence punishable under Sections 6 and 24(1) of COTP Act 2003 and



CRL OP(MD). No.9578 of 2024

328 IPC in Cr.No.163 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, when the respondent police conducted a raid on 22.05.2024 at about 7.10 pm and at that time, the petitioner herein and other accused have illegally found in possession of banned Tobacco products worth about Rs.8,300/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner herein and other accused have illegally found in possession of 5 Kgs 700 gms of banned Tobacco products worth about Rs.8,300/- and the same has been recovered. He would further submit that the petitioner herein is not having any previous case and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the property has been 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 No.III, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)



CRL OP(MD). No.9578 of 2024

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 pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b), 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 respondent police as and when required for interrogation;

(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

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.9578 of 2024

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/-
01/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.9578 of 2024

WEB COPY

COPY TO
THE OFFICER INCHARGE
INDIAN ASSOCIATION FOR THE BLIND, ALAGAR
KOVIL ROAD, SUNDARARAJANPATTI, MADURAI.

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-7166[I] dated 01/07/2024)

ORDER
IN
CRL OP(MD) No.9578 of 2024
Date :01/07/2024

PKP/GS/SAR /03.07.2024/ 5P/ 7C

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