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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12233 of 2024

Nahoor Hani

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Boiler Plant Police Station, Trichy District
Crime No. 24/2024.

... Respondent/ Complainant

For Petitioner : M/s. Jameelarasu.B,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2024 on the file of the respondent

Police.

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



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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 Sections 6, 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, (*) and 273, 328 of IPC in Cr.No.24 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has illegally found in possession of banned Tobacco products of worth about Rs.3,495/- and the same has been recovered. Hence, the complaint.

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

4.The learned Government Advocate(Crl.Side) would submit that the petitioner herein is having three previous cases in similar nature 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.V1, Trichy, 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 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 for a period of three weeks and thereafter, as and when required for interrogation;

(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 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;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
31/07/2024

(*)AMENDED AS PER ORDER OF THIS
COURT DATED 31.07.2024 IN CRL MP
(MD)NO.9337 OF 2024 IN CRL OP(MD)
NO.12233 OF 2024.

THE TIME FOR EXCUTING THE SURETIES
IS EXTENDED FOR A PERIOD OF ONE
WEEK FROM THE DATE OF RECEIPT OF A
COPY OF THIS ORDER.

/ TRUE COPY /

/09/2024

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

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 31/07/2024 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
BOILER PLANT POLICE STATION, TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-9227[I] dated 01/08/2024)

ORDER
IN

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CRL OP(MD) No.12233 of 2024

Date :31/07/2024

MK/MGA/22.08.2024 5P 6C

PSP/ GS /SAR /12.09.2024/ 5P/ 6C

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