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CRL OP(MD). No.12515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

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

CRL OP(MD). No.12515 of 2024

Sahul Hameed

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
Crime No. 238/2024

... Respondent/Complainant

For Petitioner : M/s.M.Suresh, 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.238 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 offences punishable under Sections 296(b), 132, 351(2) BNS, 2023 and Sections 6(a), 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.238 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were in



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illegal possession of 15 Kgs of Ganesh tobacco and 5 Kgs of Cool lip. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having one previous case for similar offence. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Regional Cancer Centre, Government Rajaji Hospital, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Dindigul.

7.On production of such receipt, the petitioner is ordered to be released on bail



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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 No.III, Dindigul, 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 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;

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



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

dss

TO

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

COPY TO

THE OFFICER INCHARGE, REGIONAL CANCER CENTRE,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.M.SURESH, Advocate (SR-9483[I] dated 06/08/2024)

ORDER IN
CRL OP(MD) No.12515 of 2024
Date :02/08/2024

RS/VR/SAR-(16.08.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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