



CRL OP(MD). No.19126 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19126 of 2024

Abdul Sherif

... Petitioner / Accused No.3

Vs

The State of Tamil Nadu

Represented by the Inspector of Police,

Manur Police Station,

Tirunelveli District.

(Crime No.677 of 2024)

... Respondent/Complainant

For Petitioner : M/s.Manoj Kumar.S,
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.677/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6 and 24(1) of Cigarette and Other Tobacco Products Acts, 2003 and under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No.677 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that a search was conducted in the shop of A1 on 20.09.2024 and banned tobacco products were confiscated. A1 and A2 were arrested and remanded to judicial custody after the entire tobacco products were seized. A3 is the brother of A2 and he is said to have procured the banned tobacco products from Bangalore.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and also the fact the entire tobacco products have been seized and there are no previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the



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petitioner with certain conditions.

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5. 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 Court No.V, Tirunelveli, 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 shall report before the respondent police every Monday and Friday at 5.30 p.m. for a period of 6 weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

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[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].

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

sd/-
01/11/2024

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/ 11 /2024
Sub-Assistant Registrar
(CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate No.V,
Tirunelveli.
- 2.Do-Through,
The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
Manur Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MANOJ KUMAR, Advocate (SR-13685[I] dated 07/11/2024)

ORDER
IN

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Date : 07.11.2024

SI/MMS/ **-(15.11.2024) 5P/ 6C**

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