



CRL OP(MD). No.19582 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19582 of 2024

1. Mohammed Asarudeen

2. Zaheer Hussain

... Petitioners/ Accused Nos. 10 & 11

Vs

The State of Tamilnadu Rep.By,
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.477 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.Sheik Abdullah M.S,

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.477 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

for the alleged offence under Sections 123 and 275 of BNS (hereinafter referred to as

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



CRL OP(MD). No.19582 of 2024

new penal code) and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.477 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 had arranged for the purchase of prohibited Tobacco products. He was caught in possession of totally 10 Kgs of Cool Lip, 49.5 Kgs of Hans, 41.8 Kgs of Vimal Pan Masala and 10.5 Kgs of V1 Tobacco in gunny bags. There are totally 12 accused persons in this case and the petitioners have been arrayed as A10 and A11. The allegation against A10 is that he is the cousin brother of A1 and he had given his vehicle to A1 to bring the banned Tobacco products. Insofar as the second petitioner (A7) is concerned, he is the collection agent, who collects from the retailers to whom the Tobacco products are supplied.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and the overt acts that have been attributed against the petitioners and also considering the fact there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is ordered and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of



CRL OP(MD). No.19582 of 2024

fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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 Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police every Friday at 05.30 p.m for a period of six weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with 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



CRL OP(MD). No.19582 of 2024

with law as if the conditions have been imposed and the petitioners 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/11/2024

/ TRUE COPY /

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

LR

TO

1. The Judicial Magistrate No.II,
Thanjavur.

2. Do through
The Chief Judicial Magistrate,
Thanajvur.

3. The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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



WEB COPY



CRL OP(MD). No.19582 of 2024

ORDER
IN
CRL OP(MD) No.19582 of 2024
Date : 13/11/2024

SL(25.11.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.