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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9852 of 2022

Kadalthai ... Petitioner/Accused (Sole)

Vs

State rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar Distirct.
(Crime No.165 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Iniyavan M, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 165 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 328 of IPC r/w 24(1) & 7 of Cigarette and other Tobacco Products Act, 2003, in Crime No.165 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.05.2022, at about 12.00 noon, the police party was in routine surveillance, the petitioner was found in illegal possession of banned Tobacco Products. On seeing the police party, he threw the bag and absconded. It was found that 7 pks of banned tobacco products. Based upon the above said occurrence, case has been registered against the petitioner.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case. He further submitted that the petitioner is not having no previous case and he also filed an undertaking affidavit as per the order of this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that on earlier occasion, when the matter is taken up for hearing, this Court has directed the petitioner to file undertaking affidavit that she will not indulge in such activities in future since she was running a petty shop.

5. Considering the facts and circumstances of the case and also considering the fact that no bad antecedents reported against the petitioner and undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Sivakasi, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
05/07/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9852 of 2022
Date :05/07/2022

SP/VR/SAR II/11/07/2022/3P/5C