



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.9825 of 2022

Chandrasekar

... Petitioner/ Accused (Sole)

Vs

The State Rep. by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime.No.164 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Iniyavan,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.164 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 328 of IPC r/w 24(1) & 7 of Cigarette and other Tobacco Products Act, 2003, in Crime No.164 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.05.2022 at about 11.00 a.m. the defacto complainant was in routine surveillance in Sindhurajapuram to Vembakottai Road, he found that the petitioner was selling of Tobacco products. On seeing the police parties, the accused fled away from the place. On enquiry, it is revealed that the petitioner was in possession of 701 Ganesh Taboca - 15 pieces, Vimal Pan Masala - 5 packets containing -7 pieces. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the case. The petitioner has not committed any offence as



alleged by the prosecution. He further submitted that the petitioner has filed an undertaking affidavit stating that he will not sell any Tobacco product in future.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner and also he filed an undertaking affidavit that he will not sell the Tobacco product in future, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate-I, Sivakasi, and on his executing 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 on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-

30/06/2022

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/07/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR 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.9825 of 2022

Date :30/06/2022

vsd

<https://hmcjce.sivakasi.gov.in/faces/07.2022/2P/5C>