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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.10994 of 2022

Kartheeswari

... Petitioner/Accused-1

Vs

State rep.by
The Inspector of Police,
Bazzar Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.66/2022).

... 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.66/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 273, 328 of IPC and 6(b) r/w 24(1) of the Cigarettes and other Tobacco/Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.66 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the special report, the respondent police inspected and searched the petitioner's petty shop on 15.06.2022, at about 01.00 p.m. During the course of search, the petitioner was found in possession of 4.392 kg of tobacco products worth about Rs.2464/-. Hence, the complaint.



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 when the matter was came up for hearing on 21.06.2022, this Court has directed the petitioner to file an undertaking affidavit that he will not indulge in such activities in future. As per the direction of this Court, affidavit has also been filed. Further, no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that in pursuance of the direction of this Court dated 21.06.2022, the petitioner has filed affidavit, this Court may consider the anticipatory bail application of the petitioner.

5. In view of the 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, Virudhunagar, 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.

8.If any violation is noticed, bail granted by this Court, shall stand automatically cancelled without reference to this Court. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

Sd/-
24/06/2022

/ TRUE COPY /

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



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.

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TO

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

ORDER

IN

CRL OP (MD) No.10994 of 2022

Date :24/06/2022

SP/SVR/SAR I/01/07/2022/3P/5C