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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.11771 of 2022

1. M.Manokaran

2. Singammal

... Petitioners/Accused Nos.1 & 2

Vs

The Sub Inspector of Police,
Town Police Station,
Sivakasi,
Virudhunagar District.
(Crime.Number.219 of 2022).

... Respondents/Complainants

For Petitioners : M/s.Selvakumar S, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 219 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 272, 273 & 328 of IPC, in Crime No.219 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.06.2022 at about 09.00 a.m, the petitioners were found in illegal possession of Ganesh 701 Tobacco 23 pks and Vimal Panmasala 2 pks, which was banned by the Government. Hence, present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that when the matter was came up for



hearing on 07.07.2022, this Court has directed the petitioners to file an undertaking affidavit that they 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 petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that in pursuance of the direction of this Court dated 07.07.2022, the petitioners have filed affidavit, this Court may consider the anticipatory bail application of the petitioners.

5. In view of the affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-I, Sivakasi, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
27/07/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.IV)
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 - I,
SIVAKASI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11771 of 2022

Date :27/07/2022

SP/SVR/SAR IV/03/08/2022/3P/5C