



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 24/05/2023

PRESENT

**The Hon`ble Mr.Justice P.VADAMALAI**

WEB COPY

CRL OP(MD) . No.9443 of 2023

Gunabalan,

... Petitioner/Accused 1

**Vs**

The State rep.by  
The Sub Inspector of Police,  
Maraneri Police Station,  
Virudhunagar District.  
in Crime No.67 of 2023.

... Respondent/Complainant

For Petitioner : M/s.JOTHI BASU.M,  
Advocate.

For Respondent : Mr.K.SANJAI GANDHI,  
Government Advocate (Crl.Side)

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

**PRAYER :-** For Anticipatory Bail in Crime no.67 of 2023 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

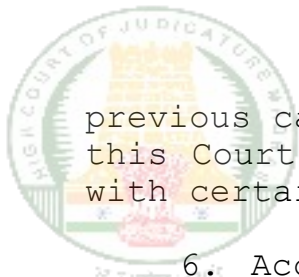
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(b) r/w. Section 24(1) of COTPA Act, 2003 r/w. Sections 272, 273, 328 of I.P.C., in Crime No.67 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons had illegally had 47 pockets prohibited Tobacco items in grocery store. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the co-accused were already released on bail and that the petitioner is not having any previous cases.

5. Taking into consideration the facts and circumstances of the case and also the facts that the petitioner is not having any



previous case and that the co-accused were already released. This Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625023 (A/c No.496039124, IFSC code: IDIB000H040), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.I, Sivakasi.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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 on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner, in accordance with law, as if the conditions have been imposed and the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/05/2023

/ TRUE COPY /

/05/2023

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



LS

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,  
MARANERI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**COPY TO:**

THE OFFICER INCHARGE,  
ADVOCATE CLERK'S WELFARE ASSOCIATION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER**

**IN**

CRL OP(MD) No.9443 of 2023

Date :24/05/2023

SA/CG/SAR.2/29.05.2023/3P/6C