



CRL OP(MD). No.12379 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12379 of 2023

Kodeeswaran,

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District
(Crime No.112 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Maya Perumal.S, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.112 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 328 of IPC and Sections 24(1), 6(b) of Cigarette and Other Tobacco Products Acts, 2003 in Crime



CRL OP(MD). No.12379 of 2023

No.112 of 2023, on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that on 23.06.2023 at about 12.00 hours, a police party led by the Sub Inspector of Police, of the respondent police, made search in the petty shop of the accused persons, who are the husband and wife and they were found possession of 43 ½ Kgs. of banned tobacco products to sell the same to the public. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4. By the direction of this Court, the petitioner deposited Rs.18,994/- to the credit of the crime number before the trial Court and also produce the copy of the receipt.

5. But, however, the learned Additional Public Prosecutor would submit that the petitioner is having two previous cases, out of which, one is similar in nature, that was not informed to the learned Principal District Judge, at the time of passing the order in Crl.M.P.No.3297 of 2023, while granting anticipatory bail to the petitioner's wife. The above said plea cannot be taken into account by this Court, at this stage.

5. Considering the compliance of the earlier order that has been passed by this Court, this Court is inclined to grant anticipatory bail to the petitioner with



CRL OP(MD). No.12379 of 2023

conditions.

WEB COPY

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.II, 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. Further, the petitioner shall file an undertaking affidavit before the trial Court to the effect that he will not indulge in any such activities in future. 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/-

02/08/2023

/ TRUE COPY /

/08/2023

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



CRL OP(MD). No.12379 of 2023

TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MAYA PERUMAL, Advocate (SR-11724[I] dated 03/08/2023)

ORDER
IN

CRL OP(MD) No.12379 of 2023

Date :02/08/2023

PKP/BUC/SAR- /18.08.2023/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023