



Crl.O.P.(MD) No.23526 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23526 of 2023

Lingammal

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Aamathur Police Station,
Virudhunagar District.
(Crime No.255 of 2023)

... Respondent / Complainant

For Petitioner : Mr.R.Ramachandran, Advocate

For Respondent : Mr.Thanga Aravinidh
Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner/ A2 in Crime No.255 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.



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2. The petitioner/Accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 328 of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No.2 of 2006) 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 (Act No.34 of 2003) in Crime No.255 of 2023, on the file of the respondent Police.

3. The case of the prosecution is that on 20.12.2023, when the defacto complainant along with police was in the routine check up, they found that the accused was illegally in possession of banned tobacco materials worth about Rs.1,500/-. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is the wife of the first accused; that she has not committed any offence as alleged by the prosecution; and that she has been falsely implicated in this case. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has no previous case. He further submitted that the investigation in this case is not yet completed. Accordingly, he prayed to dismiss this Criminal Original Petition.



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6. Heard on both sides. This Court has perused the records.

7. The petitioner has no previous case. She has permanent residence. Hence, possibility of absconding is very less. Therefore, considering the nature of the offence allegedly committed by the petitioner, this Court grants an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Virudhunagar, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar;

(ii) The petitioner shall appear and sign before respondent Police, daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make herself available for interrogation by police as and when required;



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(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave Indian without the prior permission of the Jurisdictional Judicial Magistrate Court/Trial Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP



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To

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1.The Judicial Magistrate No.II,
Virudhunagar.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Aamathur Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.RAMACHANDRAN, Advocate (SR-18410[I] dated 28/12/2023)

ORDER

IN

CRL OP(MD) No.23526 of 2023

Date :28/12/2023

ED/ DD /SAR- (04/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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