



CRL OP(MD) No.38 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.38 of 2024

SUBBURAJ

... PETITIONER / ACCUSED No.3

Vs

**THE INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO.336 OF 2023)**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. S.PRABHA Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.336 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioner / Accused No.3, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 328 of I.P.C. and Sections 6(b),**

24(1) of the Cigarette and other Tobacco Act, 2003 in Crime No.336 of 2023, on the file
<https://www.mhc.tn.gov.in/judis>



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of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of forty bags of banned Ganesh Tobacco and the same was seized by the respondent police.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- for the welfare of the patients in the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai.

4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is ready to deposit some amount to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 learned Judicial Magistrate No.II, Sattur,

<https://www.mhc.in.gov.in/judis>



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Virudhunagar District 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non-refundable deposit of Rs.5,000/- to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai, by way of Demand Draft, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgement, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2024

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

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SATTUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



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3 THE INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

Copy to
THE OFFICER INCHARGE,
GOVERNMENT REHABILITATION HOME FOR LEPROSY,
KOTTA KAI MEDU, Y.PUDUPATTI,
ARUMBANOOR POST,
MADURAI.

ORDER
IN
CRL OP(MD) No.38 of 2024
Date :04/01/2024

PKP/DD/SAR- /10.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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