



CRL OP(MD) No.1330 of 2024

WEB COPY

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1330 of 2024

MADHAN @ MATHAN SINGH

... PETITIONER/ ACCUSED NO.6

Vs

THE INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.93 OF 2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.BALAJI.A Advocate

For Respondent : MR. S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 93 OF 2022 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent
police for the alleged offence under Section 328 of IPC, 77 of Juvenile Justice (Care



CRL OP(MD) No.1330 of 2024

and Protection of Children) and 24(1) of Cigarette and other Tobacco Products Acts
WEB COPY
2003, in Crime No.93 of 2022, on the file of the respondent police, seeks anticipatory
bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 41 gunny bags containing 615 Kgs of Tobacco Products. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and hence, he prays for grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant anticipatory bail stating that this is the fourth anticipatory bail petition and the earlier anticipatory bail petitions filed by the petitioner were dismissed by this Court by considering the quantity of contraband involved in this case. He further submitted that two previous cases are pending against the petitioner.



CRL OP(MD) No.1330 of 2024

WEB COPY

5. It appears that this is the fourth anticipatory bail petition and the earlier anticipatory bail petitions filed by the petitioners were dismissed by this Court by considering the quantity of contraband involved in this case. After dismissal of the first anticipatory bail order, the respondent police has not taken any effective steps to secure the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that after dismissal of the first anticipatory bail order, the respondent police has not taken any effective steps to secure the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.I, Kovilpatti, 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:



CRL OP(MD) No.1330 of 2024

WEB COPY

(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 is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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

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



CRL OP(MD) No.1330 of 2024

WEB COPY

(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/-
30/01/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar (CS- I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1.THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI

3.THE INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION, THOOTHUKUDI DISTRICT.

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



CRL OP(MD) No.1330 of 2024

COPY TO
WEB COPY

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-1145[I] dated 30/01/2024)

ORDER
IN
CRL OP(MD) No.1330 of 2024
Date :30/01/2024

RK/VR (06/02/2024) 6P / 7C

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