



CRL OP(MD) No.1727 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1727 of 2024

KARUPPASAMY

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 175 OF 2023.)

... Respondent / Complainant

For Petitioner : M/s.G.Karuppasamypandiyan, Advocate

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

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.175 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for

the alleged offence under Sections 272, 273 and 328 IPC in Crime No.175 of 2023,

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



CRL OP(MD) No.1727 of 2024

seeks anticipatory bail.

2.The case of the prosecution is that the respondent Police caught hold the accused No.1 while he unloaded the tobacco product of 15 bags by name Ganesh 701 from a car namely XYLO bearing registration No.TN 28 AU 2640 and based on his confession statement, this petitioner has been implicated in this case. 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 instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to the **(*)TPNM Girls Higher Secondary School, Virudhunagar**, for purchasing benches and napkin incinerators for the welfare of the girls students, hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner sold the contraband to the first accused and the investigation is going on. Further he would submit that nine previous cases are pending against the petitioner, among which, four cases are similar in nature. Hence, he opposed to grant anticipatory bail to the

petitioner.

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



CRL OP(MD) No.1727 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the quantity of the contraband involved in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, 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 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)as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) through demand draft in



CRL OP(MD) No.1727 of 2024

favour of the Headmaster/Headmistress, (*)**TPNM Girls Higher Secondary School, Virudhunagar** for purchasing benches and napkin incinerators for the welfare of the girls students, without prejudice to his defence before the trial Court and the learned Judicial 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;

(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

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



CRL OP(MD) No.1727 of 2024

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/-
06/02/2024

(*)Corrected as per the order of this Court dated 05/03/2024 made in CRL MP(MD) No.2818 of 2024 in CRL OP(MD)No. 1727 of 2024

Time is extended for further two weeks for executing sureties, from the date of receipt of a copy of the amended Order.

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

TO BE SUBSTITUTED WITH THE ORDER DATED 06/02/2023 ALREADY DESPATCHED

1.The Judicial Magistrate No.II,
Sivakasi.

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

3.The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.

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

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



CRL OP(MD) No.1727 of 2024

WEB COPY

Copy to:

1 The Headmaster / Headmistress,
S.R.N.Government Higher Secondary School, Thiruthangal.

2 The Headmaster / Headmistress,
TPNM Girls Higher Secondary School, Virudhunagar District.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-2893[I] dated
07/03/2024)

ORDER
IN

CRL OP(MD) No.1727 of 2024
Date :06/02/2024

ED/ VR /SAR- (12/02/2024) 6P / 7C
SJI

PKP/GS/SAR /11.03.2024/ 6P/8C

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