



CrI.O.P(MD) No.2219 of 2024

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WEB CO **M.DHANDAPANI,J.,**

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Section 328 of IPC r/w. Sections 6(b) & 24(1) of Cigarette and other Tobacco Act, 2003, in Crime No.429 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused persons were found in illegal possession of banned Tobacco products worth about Rs.12,690/-. 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 her rights, is ready to pay a sum of Rs.75,000/- for restoration of Kanmai situated around Othakadai and Narasingam areas in Madurai District. He would further submit that this Court had granted anticipatory bail to the co-accused in CrI.O.P(MD).No.734 of 2024 on 18.01.2024 and hence, he prays for



anticipatory bail.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner was found in illegal possession of banned tobacco products and 12 previous cases are pending against the petitioner.

5.Considering the facts and circumstances of the case and also the fact that the co-accused was granted anticipatory bail by this Court, 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 her 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



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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)(i) as per the undertaking given by the petitioner, the petitioner is directed to pay a sum of Rs.75,000/-(Rupees Seventy Five Thousand only) to the name of the President, Narasingam Panchayat [Account No.10111536134; MICR Code: 625002008, CIF No: 80080760562, IFSC Code: SBIN0002246, Othakadai Branch, Madurai (2246)], without prejudice to her defence before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, is directed to utilize the said deposit amount for carrying out the restoration works as mentioned above in Kanmai around Othakadai and Narasingam areas in Madurai using the above said



deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks from the date of receipt of a copy of this order.

(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 law as if the



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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.

13.02.2024

ssb

Note: Issue order copy on **14.02.2024**

To

- 1.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.
- 2.The Judicial Magistrate No.II, Sivakasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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