



CRL OP(MD) No.2488 of 2024

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

Monday, the Nineteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2488 of 2024

KUMAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
M.REDDIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(Crime No. 135 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.ANANDA RAJ, 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.135 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 Section 328 of IPC r/w. Section 24(1) of Cigarettes and



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other Tobacco Products Act, 2003, in Crime No.135 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the accused persons were found in illegal possession of banned 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 instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.1,50,000/- to the Panchayat Union Middle School, Sambakulam, Mudukulathur Union, Ramanathapuram District, for the welfare of the students studying in the School. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that one previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, 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, Aruppukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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 pay a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the Panchayat Union Middle School, Sambakulam, Mudukulathur Union, Ramanathapuram District, for the welfare of the students studying in the School, without prejudice to his defence before the trial Court and the proof shall be produced before the concerned Judicial Magistrate, and the concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioners; The Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(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



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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 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/-
19/02/2024

/ TRUE COPY /

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

SSB
TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

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



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
M.REDDIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER
PANCHAYAT UNION MIDDLE SCHOOL,
SAMBAKULAM,
MUDUKULATHUR UNION,
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.R.ANANDARAJ, Advocate (SR-2147[I] dated 21/02/2024)

ORDER
IN

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Date :19/02/2024

PKP/GS/SAR /23.02.2024/ 5P/ 7C
Madurai Bench of Madras High Court is issuing certified
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