



CRL OP(MD) No.3016 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3016 of 2024

MADASAMY

... PETITIONERS/ ACCUSED NO UNKNOWN

Vs

THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.384/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.JOSEPH JERRY, Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.384 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 328 IPC r/w 6(a), 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.384 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was doing



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his routine vehicle check up, the petitioner was found in illegal possession of banned tobacco products worth about Rs.42,840/-. 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.60,000/- to the Government Girls Higher Secondary School, Kariappatti, Virudhunagar District, for construction or renovation of toilet, hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that five previous cases are pending against the petitioner, which are similar in nature, hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur, 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



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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 two weeks 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 deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) through demand draft in favour of the Headmaster, Government Girls Higher Secondary School, Kariappatti, Virudhunagar District, for construction or renovation of toilets, 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;

(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(c)the sureties shall affix their photographs and left thumb impression in the



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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 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/-

04/03/2024

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/03/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

THE HEADMASTER GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
KARIAPPATTI, VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.JOSEPH JERRY.A, Advocate (SR-2704[I] dated 05/03/2024)

ORDER

IN

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Date :04/03/2024

RS/GS/SAR-(07.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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