



CRL OP(MD) No.3054 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3054 of 2024

MUNIYASAMY

... PETITIONER / ACCUSED No.A3

Vs

THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.1 OF 2024.

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.VISHNUVARDHAN, Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.1 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 272, 273, 328 of IPC and Section 6(b), 24
(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.1 of 2024, on the
file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 450 pks of prohibited Ganesh brand Tobacco products. Hence the complaint.

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.25,000/- to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District 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 bail stating that the petitioner along with other accused were found in illegal possession of 450 pks of prohibited Ganesh brand Tobacco products and he is having 3 previous cases in similar nature. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the undertaking given by 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



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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)(i) as per the undertaking given by the petitioners, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the President, Narasingam Panchayat [Account No.10111536134; MICR Code: 625002008, CIF No: 80080760562, IFSC Code: SBIN0002246, Othakadai Branch, Madurai (2246)], for restoration of Kanmai, without prejudice to his rights and contentions 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, Madurai, is directed to carryout the restoration works as mentioned above in the



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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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

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

(f)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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of Kerala [(2005) AIR SCW 5560]; and;

(h)if the accused thereafter abscond, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
27/02/2024

/ TRUE COPY /

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

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.III
SIVAKASI.

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

3 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE PRESIDENT
NARASINGAM PANCHAYAT, MADURAI.



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3 THE BLOCK DEVELOPMENT
OFFICER, MADURAI EAST PANCHAYAT UNION,
MADURAI.

4 THE PUBLIC WORKS DEPARTMENT, (A.E.),
MADURAI EAST CIRCLE,
MADURAI.

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-2467[I] dated 28/02/2024)

ORDER IN
CRL OP(MD) No.3054 of 2024
Date :27/02/2024

SA/GS/SAR. /01.03.2024/6P/10C

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