



CRL OP(MD) No.3980 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3980 of 2024

VIKRAM

... PETITIONER/ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.33/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.S.HAROON RASHEED, 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.33/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / A2, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 328 of IPC and Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Acts, 2003, in Crime No.33 of 2024, on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD) No.3980 of 2024

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2.The case of the prosecution is that on 06.03.2024, the defacto complainant and other police officials intercepted the two wheeler, which was driven by A1 and recovered 15 pouch of Ganesh Tobacco product (54 numbers) from the said vehicle. Thereafter, A1 was arrested and based on his confession, the petitioner has been implicated in this case. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.5,000/- to the credit of the Dean, Government Medical College Hospital, Virudhunagar, without prejudice to his defence before the trial Court.

4.The learned Government Advocate (Crl. side) submitted that the petitioner and other accused were found in illegal possession of 15 pouch of Ganesh Tobacco product (54 numbers) and the investigation is pending. 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.

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



CRL OP(MD) No.3980 of 2024

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a copy of this order, before the learned Judicial Magistrate No.II, Sathur, 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)the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the Dean, Government Medical College Hospital, Virudhunagar, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, 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;



CRL OP(MD) No.3980 of 2024

(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/-
13/03/2024

/ TRUE COPY /

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

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

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

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



CRL OP(MD) No.3980 of 2024

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

COPY TO
THE DEAN, GOVERNMENT MEDICAL COLLEGE HOSPITAL,
VIRUDHUNAGAR.

ORDER
IN
CRL OP(MD) No.3980 of 2024
Date :13/03/2024

RS/VR/SAR-(19.03.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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