



CRL OP(MD) No.4643 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4643 of 2024

R.MURUGAN

... PETITIONER / ACCUSED No.2

Vs

THE SUB INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.49/2024)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.ASHOK KUMAR M 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.49/2024 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

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



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Cigarette and Other Tobacco Products Acts, 2003, in Crime No.49 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of 15 pouches of Ganesh tobacco products. 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) strongly opposed the grant of anticipatory bail stating that the petitioner and other accused were found in illegal possession of 15 pouches of Ganesh tobacco products and the investigation is pending. However, he fairly conceded that the petitioner has no previous case.

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

a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on

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



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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;

(e)the petitioner shall not tamper with evidence or witness either during



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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/-
25/03/2024

/ 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.1
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



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3 THE SUB INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

THE DEAN
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
VIRUDHUANGAR.

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-3747[I] dated 27/03/2024)

ORDER
IN

CRL OP(MD) No.4643 of 2024
Date :25/03/2024

PKP/GS/SAR /28.03.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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