



CRL OP(MD). No.8183 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 21/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8183 of 2024

Vinothkumar,

... Petitioner/ Accused 2

Vs

The Inspector of Police,  
Sivakasi East Police Station,  
Sivakasi,  
Virudhunagar District,  
Crime No.429/2023.

... Respondent/ Complainant

For Petitioner : Mr.G.R.Satish,  
Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.429/2023 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 punishable under Section 328 of IPC r/w Sections 6(b) and 24(1)

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of Cigarette and Other Tobacco Act, 2003 in Crime No.429 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused persons were found in illegal possession of banned tobacco products worth about Rs.12,690/-. Hence, the case.

3.The learned counsel for the petitioner submits that this Court entertained the earlier application filed by the petitioner in Crl.O.P.(MD)No.2219 of 2024 and has granted anticipatory bail with a direction to the petitioner to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the President, Narasingam Panchayat and also directed the Narasingam Panchayat, B.D.O. Madurai East Panchayat Union and P.W.D (A.E)., Madurai East Circle, to utilise the same for carrying out the restoration work of kanmai. Subsequently, the petitioner has filed an application for extension of time in Crl.M.P.(MD)No.4273 of 2024 before this Court and the same was dismissed on 12.04.2024. He further submits that the petitioner could not pay the amount since the account number was closed and the Panchayat has also not provided proper details. Therefore, the petitioner now undertakes to pay the said amount of Rs.75,000/- to the credit of Chief Educational Officer, Virudhunagar District, which can be used for the welfare of school children in any of the Government schools at Virudhunagar District and accordingly, he has also paid



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the said amount.

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4. On the undertaking given by the petitioner that he would pay a sum of Rs.75,000/-, this Court has already granted anticipatory bail to the petitioner. Now the petitioner has also complied with the undertaking given by him and therefore, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this criminal original petition is allowed and 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-II, Sivakasi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall file an undertaking affidavit before the respondent police that he will not indulge in any such offence in future. Further, he shall appear before the respondent police once in a week, ie., on every Monday at 10.30 a.m., until further orders.



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iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.

iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-  
21/06/2024

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/07/2024  
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,  
SIVAKASI.

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

3 THE INSPECTOR OF POLICE,  
SIVAKASI EAST POLICE STATION,  
SIVAKASI,  
VIRUDHUNAGAR DISTRICT.

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

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+1 CC to M/s.G.R.SATISH, Advocate ( SR-6827[I] dated 21/06/2024 )

ORDER  
IN  
CRL OP(MD) No.8183 of 2024  
Date :21/06/2024

SA/JGB/SAR. /09.07.2024/5P/6C

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