



CRL OP(MD)No.7193 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD)No.7193 of 2024

Perumal

... Petitioner/Sole Accused

Vs

The State, Represented by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.180 of 2024.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimuthurasu,Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.180 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the



CRL OP(MD)No.7193 of 2024

respondent police for the offences punishable under Section 328 of IPC and 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.180 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.03.2024, when the de-facto complainant along with two constables were in surveillance, they seized prohibited Tobacco product worth about Rs.50,000/- from the petitioner's car. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are two previous cases against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also



CRL OP(MD)No.7193 of 2024

taking note of the fact that property has been seized, 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 a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the District Siddha Medical Officer,

CCRI, Periyakulam in State Bank of India, Periyakulam Branch bearing Account

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



CRL OP(MD)No.7193 of 2024

No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601 and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 15 days and thereafter, as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



CRL OP(MD)No.7193 of 2024

WEB COPY

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD)No.7193 of 2024

COPY TO
WEB COPY

THE DISTRICT SIDDHA MEDICAL
OFFICER, CCRI, PERIYAKULAM.

ORDER
IN
CRL OP(MD) No.7193 of 2024
Date :15/05/2024

PKP/VR/SAR /21.05.2024/ 6P/ 6C

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