



CRL OP(MD). No.7395 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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M.Arulraj

... Petitioner/ Accused No.2

Vs

The Inspector of Police,  
Vembakkottai Police Station,  
Vembakkottai,  
Virudhunagar District.  
(Crime No.94 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.N.Pragalathan, 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.94 of 2024 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 offences punishable under Sections 328 of IPC and Section 6 (b), 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.94 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that on 27.04.2024 at about 6.00 a.m., when the Sub Inspector of Police and their officials were checking up the vehicle, which was driven by A1, they found that the Tobacco products was kept in 5 bags, each bag contains 275 pockets of tobacco products. 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 the petitioner has five previous cases, out of which, four cases are similar in nature.

5.Taking into consideration the facts and circumstances of the case, 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, Sattur, Virudhunagar District, 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 learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb



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impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]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.

[C] the petitioner shall make a non refundable deposit of Rs.30,000/-(Rupees Thirty Thousand only) to the credit of the Headmaster, Government Model Girls Higher Secondary School, Y.Othakadai, Madurai in State Bank of India, Othakadai, Madurai Account No.10968750674 IFSC No.SBI0002246, without prejudice to his contentions and rights before the trial Court. This fund will be utilized for purchasing benches & desks for 12 newly constructed classrooms under "Nammaku Naame Scheme". On such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[d]the petitioner shall not tamper with the 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 is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g]If the accused thereafter absconds, a fresh FIR can be registered under  
Section 229-A IPC.

sd/-  
22/05/2024

/ TRUE COPY /

/05/2024

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR,  
VIRUDHUNAGAR DISTRICT.

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

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

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

COPY TO

THE HEADMISTRESS,  
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,  
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate ( SR-5564[I] dated 22/05/2024 )



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ORDER

IN

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Date :22/05/2024

RS/VR/SAR-(23.05.2024) 5P 7C

Madurai Bench of Madras High Court is issuing  
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