



CRL OP(MD)No.19274 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD)No.19274 of 2024

1.M.Ayyanar

2.K.Sumathi

... Petitioners/ Accused Nos.2 to 3

Vs

The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
(Crime No.165 of 2024)

... Respondent/Defacto Complainant

For Petitioners : M/s.N.Marimuthu, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.165/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 123 of BNS 2023 and r/w Section 6(b), 24(1) Cigarette and Other Tobacco Products Acts 2003 in Crime No.165 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons were found in possession of 4.5 kgs of banned tobacco products. There are three accused persons in



CRL OP(MD)No.19274 of 2024

WEB COPY

this case and the petitioners have been arrayed as A2 and A3. A1 was arrested and the tobacco products have also been seized. A1 was later enlarged on bail by the Sessions Court. Hence, the case.

3. Heard the learned counsel on either side, and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and also the manner in which the incident had taken place and that there are two previous cases as against the first petitioner and no previous cases as against the second petitioner and A1 was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Srivilliputhur at Virudhunagar District on condition that the petitioners 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 said Magistrate, on further condition that:

[a] the petitioners 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



CRL OP(MD)No.19274 of 2024

card or Bank pass Book to ensure their identity;

WEB COPY

[b] the petitioners shall report before the respondent police at 10.30 a.m., on every Monday for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
08/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rjr

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



CRL OP(MD)No.19274 of 2024

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.

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

3 THE INSPECTOR OF POLICE, VANNIYAMPATTI VILAKKU POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-13787[I] dated 11/11/2024)

ORDER

IN

CRL OP(MD) No.19274 of 2024

Date :08/11/2024

RS//SAR-(23.11.2024) 4P 6C

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