



CRL OP(MD) No.21767 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21767 of 2023

K.KALYANAKUMAR @ KUMAR

... PETITIONER / ACCUSED No.2

Vs

**THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO.519/2023**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.MARIMUTHU N. Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO. 519/2023 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 Sections 272, 273 and 328 of IPC r/w Section 6(b)**

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CRL OP(MD) No.21767 of 2023

& 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.519 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, on 26.11.2023 at about 01.30 p.m, when the respondent police made search at Srivilliputhur Mangapuram School, on seeing the police party, the petitioner ran away from the place of occurrence and A1 tried to escape from the place of occurrence. But, the respondent police caught him red-handed and seized a gunny bag from him. The gunny bag contains banned tobacco products. Hence, the Law Enforcing Authority, registered a case against the petitioner and A1.

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. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner herein is the brother of A1. Both accused are running a petty shop. They are used to sell the tobacco products illegally through their petty shop. Hence, he strongly opposed to grant anticipatory bail to the petitioner. However, he fairly conceded that no previous case is pending against the petitioner.



CRL OP(MD) No.21767 of 2023

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5. Considering the facts and circumstances of the case and also considering the fact that no antecedent is reported against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 Judicial Magistrate Court No.II, Srivilliputhur, 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 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 sureties shall affix his 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 his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m

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CRL OP(MD) No.21767 of 2023

for a period of two weeks 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;

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

sd/-
03/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

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



CRL OP(MD) No.21767 of 2023

- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21767 of 2023
Date :03/01/2024

PKP/VR/SAR- /08.01.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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