



CRL OP(MD) No.23138 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23138 of 2023

THANGA GURUSAMY

... Petitioner / Accused No.3

Vs

THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.330/2023.)

... Respondent / Complainant

For Petitioner : M/s.S.Vishnuvardhan, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (CrI. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 330/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.3, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 328 of I.P.C. and
Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.330 of



2023, on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of tobacco products and the same was seized by the respondent police.

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. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to construct a toilet for the benefit of the students studying in the Thoothukudi Corporation Middle School, Pa.Mu.Colony, Thoothukudi.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is undertaking to construct a toilet to the Thoothukudi Corporation Middle School, Pa.Mu.Colony, Thoothukudi., I am inclined to grant anticipatory bail to the petitioner.

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.III, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of



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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) the petitioner is directed to construct a toilet to the Thoothukudi Corporation Middle School, Pa.Mu.Colony, Thoothukudi and an appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School and thereafter, sureties shall be accepted.

(b)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;

(c)the sureties shall affix their 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 their identity;

(d)the petitioner shall report the respondent Police as and when required for interrogation;

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

(f)the petitioner shall not abscond either during investigation or



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trial;

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(g)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;

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

sd/-
04/01/2024

/ TRUE COPY /

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

TSG

To

1.The Judicial Magistrate No.III,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi.



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2.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Headmaster,
Thoothukudi Corporation Middle School,
Pa.Mu.Colony, Thoothukudi.

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-167[I] dated 04/01/2024)

ORDER

IN

CRL OP(MD) No.23138 of 2023

Date :04/01/2024

ED/ JGB /SAR- (09/01/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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