



CRL OP(MD) No.23464 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23464 of 2023

DINESH @ DINESHKUMAR ... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.333/2023).

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JEGADEESAN M 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.333/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 328 of I.P.C. and



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Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 and in Crime No.333 of 2023, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of eight pouches (Each 12.6 grams) of Cool lip and fifteen pouches (each 15 grams) of Ganesh 701 Tobacco Filter Packet (15 numbers) 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, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- for the welfare of the inpatients of the Government Hospital, Virudhunagr without prejudice to his defence before the trial Court.

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



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considering the fact that the petitioner is willing to deposit some amount to the inpatients of the Government Hospital, Virudhunagar, 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.II, Saathur, 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 petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Dean, Government Hospital, Virudhunagar, by way of Demand Draft, without prejudice to his defence before the trial Court and



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submit the proof of payment of the said amount before the aforesaid learned concerned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgement, shall accept the sureties furnished by the petitioner;

(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 before the respondent police daily at 10.30 a.m. for a period of one week and thereafter 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 trial;

(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;



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

sd/-
02/01/2024

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

tsg

TO

1.THE JUDICIAL MAGISTRATE NO.II, SAATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

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

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

COPY TO
THE DEAN, GOVERNMENT HOSPITAL, VIRUDHUNAGAR,

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-42[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.23464 of 2023
Date :02/01/2024

RK/DD (05/01/2024) 5P / 7C

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