



CRL OP(MD) No.23604 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23604 of 2023

PALPANDIAN

... PETITIONERS/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CRIME NO. (*)283/2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.PRABU, Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. (*)283 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 328 of I.P.C. and Section 24(1)
of the Cigarette and other Tobacco Act, 2003 in Crime No.(*)283 of 2023, on the file of
the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported 3

<https://www.mhc.trngov.in/judis>



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koni bags of Ganesh Kutka products by using vehicle. Hence, the case.

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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.20,000/- for the welfare of the patients in the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai.

4. The learned Additional Public Prosecutor submitted that the investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner has no previous antecedent and he is ready to deposit some amount to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai, 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.I, Virudhunagar, 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



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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.20,000/- (Rupees Twenty Thousand only) to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai, by way of Demand Draft, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned 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 as and when required for interrogation;

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



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(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;

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

sd/-
05/01/2024

(*)Amended as per Order of the Court
dt.31.01.2024 in CrI.MP(MD).993/2024 in
CrI.OP(MD).23604/2023.

Further Time granted by this Court to
comply with the condition imposed vide
order dated 05.01.2024 in CrI.O.P.(MD)
No.23604 of 2023 is extended for a period of
two weeks from the date of receipt of
amended copy of this order.

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

TO BE SUBSTITUTED WITH THE ORDER DT.05/01/2024 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

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

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

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

COPY TO

THE OFFICER INCHARGE
GOVERNMENT REHABILITATION HOME FOR LEPROSY KOTTAKAI MEDU,
Y.PUDUPATTI, ARUMBANOOR POST,
MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-245[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.23604 of 2023

Date :05/01/2024

RS/JGB/SAR-(10.01.2024) 5P 7C

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SA/VR/SAR. /07.02.2024 5P 7C

Madurai Bench of Madras High Court is issuing
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