



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

Thursday, the Twenty Sixth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.5690 of 2015

BALASUNDAR

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
CRIME NO.1011/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 24 and 4(1) (k) of Tamil Nadu Prohibition Act, in Crime No.1011 of 2014, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The case of the prosecution is that the petitioner was alleged to have been found in possession of 20 bottles of liquor.

4. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) submits that there is no previous case against the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that there is no previous case against the petitioner, I am inclined to grant anticipatory bail to the petitioner. 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, Sathankulam 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] the petitioner shall appear before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-
26/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
3. THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING, THOOTHUKUDI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No. 15074

SR : 30.03.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.5690 of 2015
Date :26/03/2015