



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13031 of 2016

MADASAMY

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

PROHIBITION ENFORCEMENT WING,

NAGERCOIL, KANYAKUMARI DISTRICT.

CRIME NO. 239 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S C.K.M.APPAJI Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

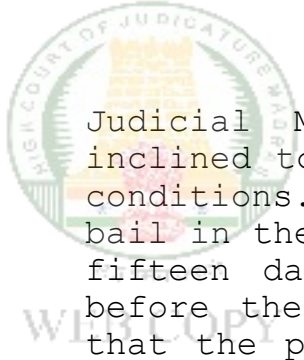
The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(a), 4(1)(i) and 24 of Tamil Nadu Prohibition Act, in Crime No.239 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 03.07.2016, at the time of routine inspection by the police, they found that the bar attached with the shop bearing No.4762 was functioning after the time limit and also found 15 labelled Old Secret Rum bottles each containing 180 ml along with a sum of Rs.540/-. The police party seized the same and after returning to the Police Station, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He is the owner of the bar. A2, A3 and A4 were already arrested and enlarged on bail by the learned Judicial Magistrate, Boothapandy on 11.07.2016 and prays for anticipatory bail in favour of the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is the owner of the bar. The Government has taken a Policy decision fixing the time for sale of liquor in shop. The allegation against the petitioner and other accused is that they sold liquor to the customers and they have violated the time limit for sale of liquor fixed by the Government and prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the bar and A2,A3 & A4 were arrested and enlarged on bail by the learned



Judicial Magistrate, Boothapandy on 11.07.2016, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Boothapandy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
28/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, BOOTHAPANDY, KANAYAKUMARI DISTRICT.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, PROHIBITION ENFORCEMENT WING, NAGERCOIL, KANYAKUMARI DISTRICT.

+1. CC to M/S C.K.M.APPAJI Advocate SR.No.40459

ORDER IN

CRL OP(MD) No.13031 of 2016

Date :28/07/2016

<https://hcservices.ecourts.gov.in/hcservices/>

PBK/ARK-PV/SAR-III 01/08/2016 ::2P-6C::