



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14207 of 2016

RAMACHANDRAN

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ERVADI DARGAH POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR NO. 129/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SUBASH BABU Advocate

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

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

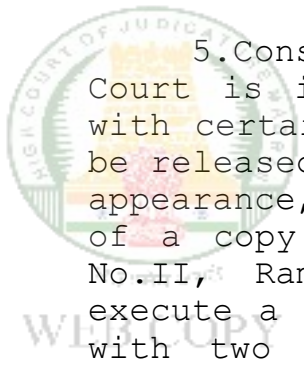
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused No.2, who apprehends arrest at the hands of the respondent police, for the offences punishable under Section 4(1)(a) and 24 of Tamil Nadu Prohibition Act, in Crime No.129 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that when the police party was on patrol duty, they intercepted the vehicle of the first accused and found 37 liquor bottles. The respondent police arrested the first accused and seized the 37 liquor bottles. The first accused gave confession that he purchased the liquor bottles from the petitioner, who is the salesman in TASMACH Shop No.6983. On returning to the police station with the accused and the seized materials, 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. On the date of occurrence, when he was on duty, the first accused purchased liquor bottles frequently in the TASMACH shop. The petitioner is no way connected in this case and he has been falsely implicated in this case.

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



5. Considering the allegation made against the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions. Accordingly, the petitioner is ordered to be released on anticipatory bail, in the event of arrest or on their 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, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 10.00 a.m. until further orders.
- (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 condition or not.
sd/-

09/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO. II, RAMANATHAPURAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ERVADI DARGAH POLICE STATION, RAMANATHAPURAM DISTRICT,

+1. CC to M/S M.SUBASH BABU Advocate SR.No.43278.

ORDER

IN

CRL OP(MD) No.14207 of 2016

Date : 09/08/2016