



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14362 of 2016

VASANTHAKUMAR

... PETITIONER / ACCUSED NO.2

Vs

THE STATE OF TAMILNADU, REP.BY
THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI

DISTRICT CR. NO. 101 OF 2016 ... RESPONDENT/ COMPLAINANT

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

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

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

ORDER : The Court Made the following order :-

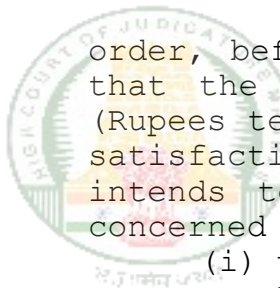
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 IPC and Section 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.101 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on surprise raid, the respondent Police found that the petitioner along with other accused sold liquor illegally and thereby they seized 5 boxes of the liquor and hence, 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.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the first accused was arrested and remanded to judicial custody and thereafter, he was enlarged on bail by the learned Judicial Magistrate, Nanguneri in Crl.M.P.No.1638 of 2016, dated 06.08.2016 and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the contention of the learned Government (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner on the following 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, Nanguneri, 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. 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 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/-
10/08/2016

/ TRUE COPY /

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

PS
TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.K.M. APPAJI Advocate SR.No.43327

GJM/NGM/MP/16.8.16-2P-6C

ORDER
IN
CRL OP(MD) No.14362 of 2016
Date :10/08/2016