



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14519 of 2016

(*) ULLAMUDAIYAR DURAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING,
ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT
CR. NO. 846 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.J.KARTHICK Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

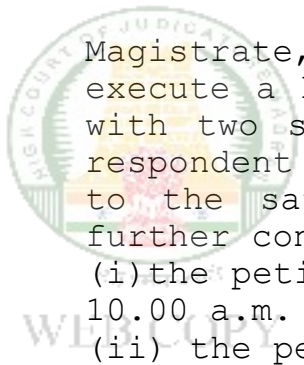
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(a) and Section 24 of Tamil Nadu Prohibition Act, in **(**)Crime No.846 of 2016**, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 28.07.2016, at the time of inspection by the special team, they found 27 bear bottles in the refrigerator of the petitioner's box attached with the TASMAL shop. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner did not keep the bear bottles for sale, they were kept in his refrigerator, by the customers, who are the regular customers for the TASMAL shop, for keeping chillness. He further submitted that at any point of time, the petitioner has not sold any prohibited items inside his licensed box and he is strictly following the terms and conditions mentioned in the license dated 30.09.2014. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Government Advocate (Crl.Side).

5.Considering the nature of 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 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, Senkottai, 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 10.00 a.m. for two weeks only.

(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/-

11/08/2016

**(*)Amended as per the order of this Hon'ble Court
made in CrI.MP(MD)No.7806/2016 in CrI.OP(MD)No.14519/2016
dated 31.08.2016.**

()Corrected order issued as per order of
this Hon'ble Court made in in CrI.OP(MD)No.14519/2016
dated 31.08.2016.**

/ TRUE COPY /

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

TO

To be substituted the order copy already despatched.

- 1 THE JUDICIAL MAGISTRATE, SENKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE, PROHIBITION AND ENFORCEMENT WING,
ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M/s.R.J.KARTHICK ADVOCATE SR.No.48666

PJL

JA-SS-3/SAR.III/17.08.2016/2P:6C