



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14646 of 2016

SRIDHAR

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIVAGANGAI PROHIBITION ENFORCEMENT WING,
SIVAGANGAI DISTRICT.
(IN CRIME NO.652 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.SULTHAN BASHA, Advocate

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

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

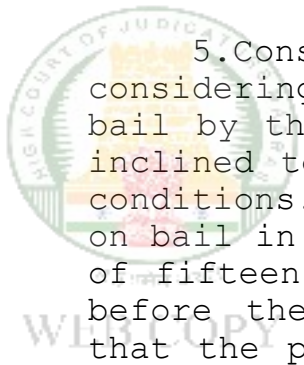
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) r/w 24 of Tamil Nadu Prohibition Act, in Crime No.652 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 17.07.2016, at the time of routine inspection by the police, they found that the petitioner and other accused sold the liquor beyond the time limit fixed by the Government. On complaint, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences, as alleged by the prosecution. A.1 in this case was already arrested and enlarged on bail by the learned Judicial Magistrate, Devakottai vide order dated 22.07.2016 made in Cr.M.P.No.2801 of 2016.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner and other accused sold the brandy bottles to the customers beyond the time limit and they have violated the time limit for sale of liquor fixed by the Government. Investigating is pending.



5.Considering the facts and circumstances of the case and also considering the fact that A.1 was already arrested and enlarged on bail by the learned Judicial Magistrate, Devakottai, this Court is inclined to grant anticipatory bail to the petitioner 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, Devakottai, 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. 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 conditions or not.

sd/-
12/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SIVAGANGAI PROHIBITION ENFORCEMENT WING, SIVAGANGAI DISTRICT
- +1. CC to M/S.AJMAL ASSOCIATES, SR.No.44276.

ORDER
IN
CRL OP(MD) No.14646 of 2016
Date :12/08/2016