



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15287 of 2016

P.ANANDRAJ

... PETITIONER / ACCUSED No.1

Vs

The State through

THE INSPECTOR OF POLICE

SRIRANGAM POLICE STATION, TRICHY DISTRICT.

CR.NO.473/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.GOPALAMANIKANDAN 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 :-

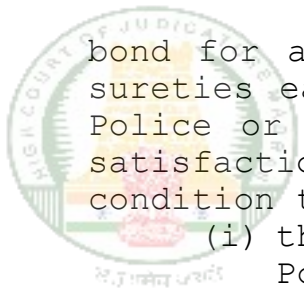
The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(i)(a)(a) and 24 of Tamil Nadu Prohibition Act, in Crime No.473 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that at the instigation of the petitioner, A.2 and A.3 sold the liquor beyond the time limit fixed by the Government. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is only the license holder of the bar attached to the TASMAL shop. He has nothing to do with the alleged occurrence. A.2 and A.3 were already arrested and released on bail.

4.The learned Government Advocate (Criminal side) submitted that investigation is pending. The earlier petition for anticipatory bail filed by the petitioner were dismissed vide orders dated 20.07.2016 and 01.08.2016 made in Crl.O.P(MD)Nos.12161 and 13384 of 2016 respectively.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the license holder of the bar, 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 No.III, Trichy, 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/-

19/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.GOPALAMANIKANDAN Advocate SR.No.45919

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ORDER

IN

CRL OP(MD) No.15287 of 2016

Date :19/08/2016