



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16181 of 2016

RAJI @ RAJASEKAR

... PETITIONER / ACCUSED No.3

Vs

State through
THE INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION, SIVAGIRI,
TIRUNELVELI DISTRICT
Crime.No.50 of 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN 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 :-

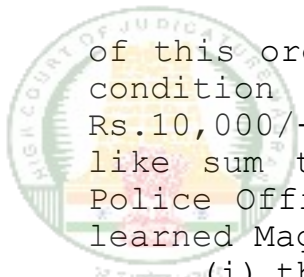
The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) r/w 4(1)(A) of Tamil Nadu Prohibition Act and r/w 8(c), 20(b)(ii)(A) of NDPS Act, in Crime No.50 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused was found in possession of 2809 bottles of Brandy and ½ kgs of Ganja. On complaint, a case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that due to ignorance, he has not stated the fact that he was already granted the relief of anticipatory bail by this Court in Crl.O.P.No.6150 of 2016 was not informed to the learned counsel for the petitioner and the petitioner is also present and further submitted that due to jaundice, he was unable to execute the sureties in time and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

5.Considering the facts and circumstances of the case and also considering the fact that this Court has already granted anticipatory bail to the petitioner in Crl.O.P(MD)No.6150 of 2016, 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, Sivagiri, 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/-

01/09/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION, SIVAGIRI,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.49639

sm:GSV-PM:SAR III:12/09/2016:2P/6C

ORDER

IN

CRL OP(MD) No.16181 of 2016

Date :01/09/2016