



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

Thursday, the Seventeenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21290 of 2016

K.GUNASEKAR

... PETITIONERS/ACCUSED No.Not Known

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING
KAMUTHI, RAMANATHAPURAM DISTRICT.
(CRIME NO.686 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(a), 4(1) r/w 4 (1)(A) of TNP Act and Sections 468 and 471 IPC in Crime No.686 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

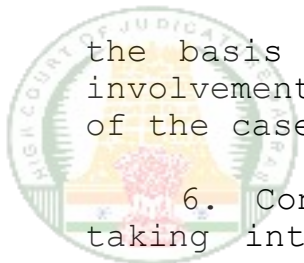
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner is a practising Advocate and he has been implicated in this case on the confession made by A3 stating that the petitioner allowed the accused to use the house for their illegal business, which resulted in registration of the present case.

4. Learned counsel for the petitioner submitted that the petitioner, being an Advocate only extended his legal assistance to his clients, for that, he has been falsely implicated in this case and he had nothing to do with the alleged offences.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Learned Government Advocate (Crl.Side) submitted that on



the basis of confession of A8, namely, Ravi @ Ravichandran, the involvement of this petitioner came to light and the investigation of the case is pending.

6. Considering the facts and circumstances of the case and taking into account the fact that only based on the confession statement of the co-accused, the petitioner has been implicated in this case, this Court is of the view that custodial interrogation of the petitioner is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Kamuthi, subject to the following conditions:**

(i) **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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10:30am for two weeks and thereafter as and when required for interrogation;**

(iii) the petitioner shall produce the details with regard to his qualification, the name of the college from where he obtained law degree and its address, xerox copy of Enrollment certificate to the Magistrate, who in turn shall forward the same to the Bar Council of Tamil Nadu for verification;

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

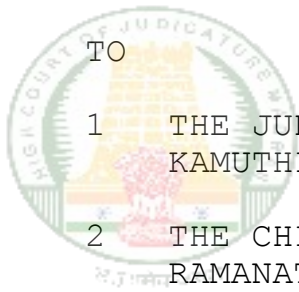
(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

17/11/2016

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



TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.70240

ORDER
IN
CRL OP(MD) No.21290 of 2016
Date :17/11/2016

SMA/PV/AR-CS2/23.11.2016:2P/6C