



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

Thursday, the Eighth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23128 of 2016

K. MADHAN KUMAR

... PETITIONER/ACCUSED NO.5

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
A. MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO. 126 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SENTHILKUMAR Advocate

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

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

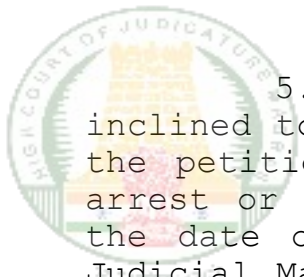
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as fifth accused, in Crime No.126 of 2016 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1-A) and 4(1) (aaa) of Tamil Nadu Prohibition Act and hence, seeks anticipatory bail.

2. The case of the prosecution is that in vehicle check-up it was found that A1 to A3 were in possession of 378 Pondicherry liquor bottles, which were prohibited in Tamilnadu and the vehicle was seized.

3. It is submitted by the learned counsel for the petitioner that the petitioner was not involved in the offences mentioned in FIR and he has been falsely implicated in this case. Hence, he prays for anticipatory bail in favour of the petitioner.

4.The learned Government Advocate(Crl. Side) submitted that totally 3 named accused and 3 unnamed accused and the petitioner herein is arrayed as A5 and 2 Maruti Vehicles with 378 bottles of liquor were seized in this case and A1, A3, A4 were arrested and released by the Sessions Court, Srivilliputhur and A2 was detained under Goodas Act and it is also admitted that on the basis of A2's confession, the petitioner has been implicated in this case.



5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. 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, Aruppukottai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-

08/12/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
A. MUKKULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.SENTHILKUMAR Advocate SR.No.80053

CM

CSL/PV/SAR-III/15.12.2016: 2P/6C

ORDER

IN

CRL OP (MD) No.23128 of 2016

Date : 08/12/2016