



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

Thursday, the Seventeenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10499 of 2017

SANTHANAM

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.260/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.BASHYAM Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

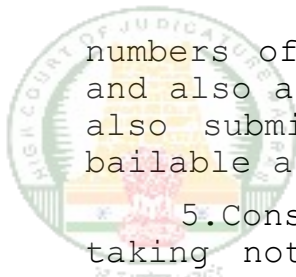
ORDER : The Court Made the following order :-

The petitioner / A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 4(1) (aaa) and 4(1)(i) r/w Section 24 of Tamil Nadu Prohibition Act, in Crime No.260 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the owner of the bar, was selling liquor at 9.00 a.m. before the time limit fixed by the Government. The respondent Police seized liquor bottles and also a sum of Rs.27,500/-.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is not the owner of the bar and he is the member of Welcome Recreation Club and A2 & A3 are the employees of the said bar. The said Club has obtained a licence from the Prohibition and Excise Department to serve liquor to the members. He also submitted that the petitioner, who was in-charge of the said Club, was not present on the date of occurrence.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused and the petitioner is arrayed as A1 in this case. He also submitted that A2 & A3 were arrested and enlarged on bail by the concerned Judicial Magistrate in Crl.M.P.No.4165 of 2017. He further submitted that the respondent has seized 1396 numbers of 180mls liquor bottles, 435 numbers of 375 mls liquor bottles, 29



numbers of 750 mls liquor bottles and 258 numbers of beer bottles and also a sum of Rs.27,500/- and investigation is still pending. He also submitted that the offences mentioned in the FIR are non-bailable as per Section 15(C) of the Tamil Nadu Prohibition Act.

5. Considering the facts and circumstances of the case and also taking note of the fact that liquor bottles were seized by the respondent Police and co-accused were enlarged on bail by the court below, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Sathur, 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. until further orders.

[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/-
17/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.BASHYAM Advocate SR.No.28836

ORDER IN
CRL OP(MD) No.10499 of 2017
Date : 17/08/2017