



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

Thursday, the Seventh day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11787 of 2017

WEB COPY

APPANU @ MAHESWARAN

... PETITIONER/2nd ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
THANJAVUR, THANJAVUR DISTRICT.
(CRIME NO.336 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ILAYARAJA Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

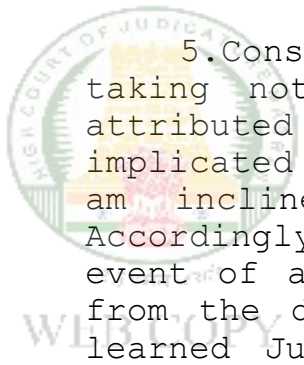
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 4(1) (aaa), 4(1-A) of Tamil Nadu Prohibition Act and Section 420, 468, 471 IPC in Crime No.336 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of 120 lts of Pondicherry arrack, 96 liquor bottles each 180 mls affixed with Seammens Bandi lable, 5088 liquor bottles each 180 mls of GGP brandy, 195 liquor bottles each 180 mls of Mens Club brandy, 92 liquor bottles each 190 mls of Mc.Dowels brandy, 3600 nos of Tamil Nadu Hollowgram 600 mens Club lables, 2500 nos. Day Night lables, 2 nos of Camel paste bottles and GGB & Pondicherry Hollowgram labels and also TATA Indica Car bearing registration No.TN 49 AM 1947.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no specific overt act attributed against the petitioner herein in the complaint.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 7 accused and the petitioner is arrayed as A2 in this case. He further submitted that A1 & A4 are still absconding and A3, A5, A6 & A7 were arrested and they are in custody. He also submitted that the petitioner is having two similar type of previous cases and investigation is still pending. He further submitted that there is no specific overt act attributed against the petitioner herein and based on the confession of A3, this petitioner is implicated as accused and no recovery is effected from the petitioner herein.



5.Considering the facts and circumstances of the case and also taking note of the fact that there is no specific overt act attributed against the petitioner herein and the petitioner is implicated as accused based on the confession of A3 in this 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate cum District Munsif, Vetharanyam, 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 Judicial Magistrate cum District Munsif, Vetharanyam 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/-

07/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF, VETHARANYAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE, PROHIBITION AND ENFORCEMENT WING,
THANJAVUR, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ILAYARAJA Advocate SR.No.30295

ORDER

IN

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Date :07/09/2017