



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1156 of 2018

P.PULUKARUPPAN,

... PETITIONER/ACCUSED No.3

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.9 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SHEIK ABDULLAH Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

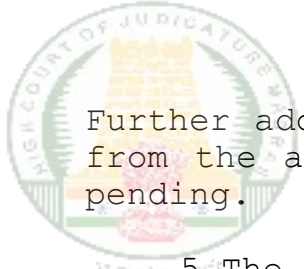
ORDER : The Court Made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1) (aaa) and Section 4(1)(i) of Tamilnadu Prohibition Act, 1937, of IPC., in Crime No.9 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that as per the order of the Superintendent of Police, Virudhunagar District, the respondent police made a raid on 05.01.2018 at the TASMAL Shop No.11865 near the bus stand of Rajaja Road of Srivilliputhur and seized 3568 numbers of bottles of IMFL (Indian Made Foreign Liquor) which was kept for selling in the private shop. The petitioner is arrayed as A3, who is the Supervisor of the TASMAL shop. Hence, the present case has been registered against the petitioners for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the accused Nos.1 and 2 were arrested and released on bail.



Further added that the property was seized by the respondent police from the accused persons. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein being Supervisor of the TASMAL shop, allowed the two accused persons for selling the liquors in the shop. As of now, the contraband materials are recovered. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
24/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.SHEIK ABDULLAH Advocate SR.No.1257

ORDER

IN

CRL OP(MD) No.1156 of 2018

Date :24/01/2018

SMA/PM-PN/SAR-1/01.02.2018:3P/6c