



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.2358 of 2018

VELUMANI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
KOVILPATTI EAST POLICE STATION,  
THOOTHUKUDI DISTRICT.  
CRIME NO.72 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU, Advocate  
For Respondent : M/S.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

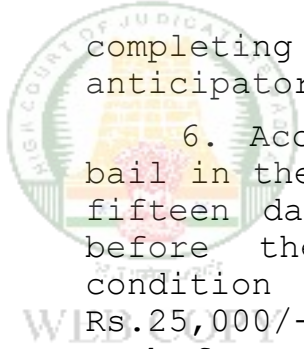
The petitioner, who is arrayed as accused no.3, apprehending arrest at the hands of the respondent police for the offence punishable under Section 4(1)(1-A) of Tamil Nadu Prohibition Act, in Crime No.72 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have found in possession of 16 bottles of liquor (Brandhi) Hence, the defacto complainant has lodged a complaint as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the co-accused was arrested and remanded to judicial custody and the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, the petitioner being the third accused in this Crime is found in possession of 16 bottles of liquor (Brandhi). As of now, the other accused in this case was arrested and remanded to judicial custody and the property, which was used for the commission of offence also recovered. Considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for



completing investigation. Therefore, this Court inclined to grant anticipatory bail to the petitioner.

6. 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 No.I, Kovilpatti, 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 10.00 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 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/-  
15/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,  
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.PRABU Advocate SR.No.2552

ORDER IN  
CRL OP(MD) No.2358 of 2018  
Date :15/02/2018