



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2471 of 2018

KUMAR @ SELVAKUMAR

... PETITIONER / ACCUSED NO.3

Vs

STATE, REP.BY
INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
IN CR.NO. 32/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Cr1. Side)

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

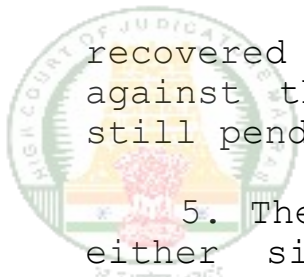
ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 4 (1)(aaa), 4(1)(A) of TNP Act , in Crime No.32 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the police team headed by the Inspector of Police went to the occurrence place and they found 662 bottles of Indian Made Foreign Liquor. On seeing the police officials, the accused persons ran away from the place of occurrence. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that based on the confession statement of A2, this petitioner has been implicated in this case. He further added that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices>
4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the property which was possessed by the petitioner during the time of occurrence had been



recovered by the respondent police. No previous case is pending against this petitioner. According to him, investigation is still pending.

5. The submission made by the learned counsel appearing on either side are considered. The petitioner is the first offender. It is alleged that during the time of occurrence, the petitioner was found in possession of 662 bottles of Indian Made Foreign liquor, with an intention to sell at the time of Pongal festival. According to prosecution, as of now, the property which was possessed by the petitioner was recovered. Thereby, in order to complete the investigation, custodial interrogation of the petitioner may not be necessary. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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.II, Thanjavur District, 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. Until further orders.

(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/-
16/02/2018

/ TRUE COPY /



MSA

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR DISTRICT.

2 DO THROUGH THE JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.

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

+1. CC to M/S.M.KARUNANITHI Advocate SR.No.49138

GJM/RR/SAR-3-23.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.2471 of 2018

Date :16/02/2018