



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3243 of 2018

1 THIRUNAVUKARASU
2 SUGUMAR

... PETITIONERS/ ACCUSED NO.1 AND 2
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.16 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.PR BOOMEE RAJAN, 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 petitioners/Accused No.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections Section 4(1) (aaa), 4(1-A) of TNP Act, in Crime No.16 of 2018, seeking relief to grant of anticipatory bail.

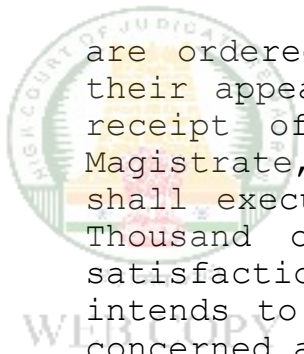
2.The case of the prosecution is that the petitioners were found in possession of Brandi liquor bottles including with 24 Beer bottles. Hence, the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that they are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the 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 petitioners have possession of 24 beer bottles and 418 bottles of brandy salable in Tamilnadu. As of now, the contraband materials are recovered. The petitioner is first offender. Hence, the custodial interrogation of the petitioners may not be necessary for completing the investigation.

6. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they



are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that each of the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

01/03/2018

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PR BOOMEE RAJAN Advocate SR.No.3373

ORDER IN

CRL OP(MD) No.3243 of 2018

Date :01/03/2018

MS/PM-PN/SAR.2/08.03.2018/2P.6C

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