



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3559 of 2018

KRISHNAMOORTHY

... PETITIONER/ACCUSED No.4

Vs

THE STATE OF TAMIL NADU REP.BY.,
THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE HOSPITAL POLICE STATION,
THANJAVUR.
(CRIME NO.32 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.P.SENTHIL Advocate

For Respondent : M/S.A.ROBINSON, Government 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.4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa) and 4(1-A) of TNP Act in Crime No.32 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have found in possession of 662 bottles of Indian made Foreign Liquor. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the contra-band materials were recovered and the investigation of the case is pending.



5. The submissions made by the learned counsel appearing on either side are considered. Admittedly, in the alleged offence, totally four accused persons are involved, in which, the petitioner herein is arrayed as A4. As per the prosecution, the first accused in this case was found in possession of 662 bottles of Indian made Foreign Liquor in his house, for which, he was arrested and released on bail and the contraband materials were also seized. Further, as per the confession given by A1 only the petitioner was arrayed as A4, hence, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Thereby, this Court is 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.II, Thanjavur, 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/-
07/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

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

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

+1. CC to M/S.M.P.SENTHIL Advocate SR.No.3681

ORDER
IN
CRL OP(MD) No.3559 of 2018
Date :07/03/2018

PK/RR-CSL/SAR-2/12.03.2018 : 3P/6C