



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3815 of 2018

DEENA DAYALAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KUMBAKONAM PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.
CRIME NO.59 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN 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, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, 1937, in Crime No.59 of 2018, seeks anticipatory bail.

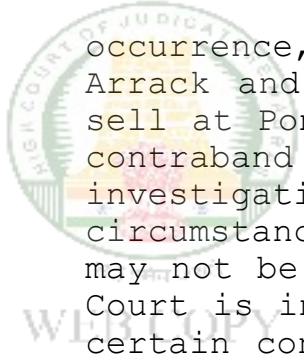
2.The case of the prosecution is that while the police party conducted regular vehicle check-up, they intercepted the INDIGO Car driven by the petitioner and found that the petitioner was in possession of 10 liters of Arrack and 480 bottles of Indian Made Foreign Liquor in his car. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that a portion of investigation is completed.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of



occurrence, the petitioner was found in possession of 10 liters of Arrack and 480 bottles of Indian Made Foreign Liquor, intended to sell at Pondicherry State. According to prosecution, as of now, the contraband materials were recovered and the portion of investigation is completed. Thereby, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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, Kumbakonam, 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/-
27/03/2018

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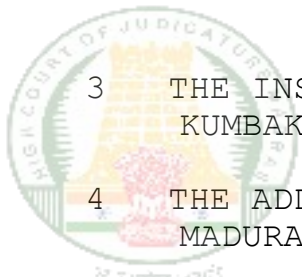
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
KUMBAKONAM PROHIBITION ENFORCEMENT WING, THANJAVUR DISTRICT.

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.4825

MSA

CSL/RR/SAR-IV/03.04.2018 : 3P/6C

ORDER

IN

CRL OP(MD) No.3815 of 2018

Date :27/03/2018