



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21494 of 2018

MUNIYASAMY

... PETITIONER /ACCUSED NO.8

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMESWARAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.198/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.BALAMURUGAPANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 4(1)(aaa), 24 of Tamilnadu Prohibition Act in Crime No.198 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 29.11.2018 when the respondent police has conducted the vehicle check up, they seized liquor bottles from the accused persons namely Pari, Prakash, Ravikumar, Manojkumar. By the confession of the accused persons, the petitioner has been implicated in this case. The petitioner is the salesman of the TASMAL shop.

3.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. The accused persons are not known by the petitioner.

4.The learned Government Advocate submitted that the petitioner has illegally sold major consignment of liquor bottles at high rate to the accused persons to enable them to sell at higher price at different place.



5. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner. 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 District Munsif Court cum Judicial Magistrate, Rameswaram, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioner shall report before the respondent police as and when require for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/12/2018

/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF COURT CUM JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

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



+1. CC to MR.D.BALAMURUGAPANDI Advocate SR.No.22719

WEB COPY

ORDER

IN

CRL OP (MD) No.21494 of 2018

Date :05/12/2018

PNN

MK/VR MMS/SAR 2/12.12.2018/3P/6C