



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

Friday, the Twenty First day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22680 of 2018

1 PACKIARAJ
2 RAMANATHAN

... PETITIONERS / ACCUSED NO.7 & 9

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioners : Mr. R. SUBBURAJ Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.7 and 9, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4-(1) (aaa) r/w. 24 of Tamil Nadu Prohibition Act in Crime No.198 of 2018, seek anticipatory bail.

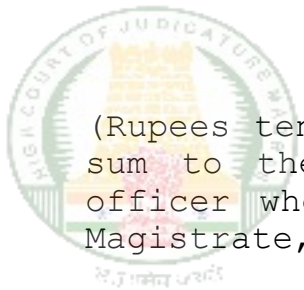
2.The case of the prosecution is that on 29.11.2018, the respondent Police conducted a raid and at that time, the petitioners were having 940 bottles of liquor bottles.

3.The learned counsel appearing for the petitioners would submit this Court had already granted anticipatory bail to the other accused persons in Crl.O.P.(MD).No.21494 of 2018 in 05.12.2018.

4.Heard the learned Additional Public Prosecutor appearing for the respondent.

5.Taking into consideration the facts of the case and the submissions by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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, Rameswaram, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 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]**.

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

sd/-

21/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAMESWARAM.
- 2 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. R. SUBBURAJ Advocate SR.No.23929
PS/VR/SAR-1/28.12.2018/2P/6C

ORDER

IN

CRL OP (MD) No.22680 of 2018

Date : 21/12/2018