



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21004 of 2018

GOPI @ GOPINATH

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE SPECIAL SUB INSPECTOR OF POLICE,
PEW-POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.1121/2018)

... COMPLAINANT / RESPONDENT

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 :-

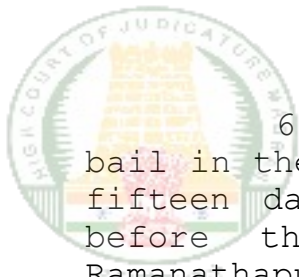
The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(a), 24 of Tamil Nadu Prohibition Act, in Crime No.1121 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as a sales man. On 20.11.2018, when the defacto complainant conducted a vehicle checkup, the accused 1 and 2 was found in possession of liquor bottles, for which, the accused 1 and 2 were arrested by the respondent police. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that already A1 and A2 were arrested and released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that investigation is pending.

5.Taking into consideration the facts of the case and the submissions by learned counsels, 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.2, Ramanathapuram, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioner shall appear before the respondent police as and when required 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 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]**.

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

sd/-
30/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE SPECIAL SUB INSPECTOR OF POLICE,
PEW-POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No. 22518

ORDER
IN
CRL OP(MD) No.21004 of 2018
Date :30/11/2018