



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1078 of 2019

CHINNAMUTHAIAH

... PETITIONER / ACCUSED No.3

Vs

STATE REP.THROUGH ITS
THE INSPECTOR OF POLICE
PEW POLICE STATION, THENI,
Crime No.947/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.SATHIARAJ Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

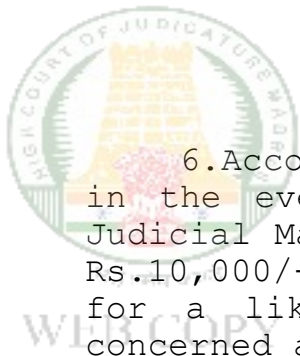
The petitioner, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 4(1) (aaa) and 24 of Tamil Nadu Prohibition Act, in Crime No.947 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 29.12.2018, during the ride conducted by the respondent police, the vehicle bearing Registration No.TN 60 D 2415 and vehicle contains of 2208 liquor bottles in 56 boxes. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is being a salesman in a TASMACH, he is innocent and he had nothing to do with the alleged crime. Hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has no previous case and investigation is in progress.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni and on his executing 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 failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[c] The petitioner report before the respondent Police daily at 10.30 a.m. for a period of two weeks thereafter as and when required for interrogation.

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

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

[f] 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].

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

sd/-
25/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THENI.

<https://hcservices.mca.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE INSPECTOR OF POLICE,
PEW POLICE STATION, THENI.

4. THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MELUR ROAD, UTHANGUDI,
ULAGANERI, MADURAI - 625 107.

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

+1. CC to Mr. J. SATHIARAJ Advocate SR.No.1473

ORDER

IN

CRL OP (MD) No.1078 of 2019

Date : 25/01/2019

TK/PN/SAR-4/01.02.2019/3P/7C