



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.428 of 2019

GANESHKUMAR

... PETITIONER / ACCUSED No. 1

Vs

STATE,
REP. BY INSPECTOR OF POLICE
MELATTUR POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.107/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MAHENDRAPATHY 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 :-

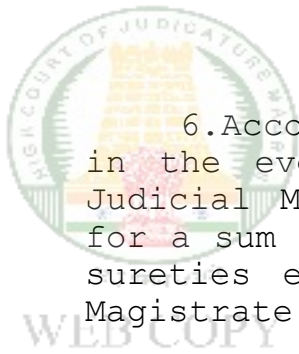
The petitioner/first accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 4 (1)(a), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.107 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A-2 was found in possession of 16 bottles of IMFL liquor.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he had nothing 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 in this case, second accused was arrested on 23.12.2018. Admittedly, there is no seizure from the first accused. On the confession given by the second accused, this petitioner has been roped in this case and investigation is going on.

5.Considering the fact that there is no seizure from the this petitioner/first accused, 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, No.II, Thanjavur 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 report before the respondent Police daily at 10.00 a.m and 5.30 p.m for a period of two weeks and thereafter 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/-

10/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO II
THANJAVUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
MELATTUR POLICE STATION, THANJAVUR DISTRICT

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

+1. CC to MR.S.MAHENDRAPATHY Advocate SR.No.807
ORDER IN

CRL OP(MD) No.428 of 2019
Date :10/01/2019