

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

Thursday, the Sixteenth day of May Two Thousand Nineteen
PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7109 of 2019

PANDI

... PETITIONER / ACCUSED No.7

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
P.E.W. POLICE STATION,
RAMANATHAPURAM,
(IN CRIME NO. 160/2019) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.PALANI RAJA Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(A), 14A of Tamil Nadu Prohibition Act and 420,468 and 471 of IPC in crime No. 160 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 20.02.2019, at about 09.00 a.m., the respondent police conducted a raid and found that the petitioner and other accused were in possession of poisonous liquor bottles and other utensils, which was used for making liquors and they also transported liquor bottles.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that in order to show his bonafide the petitioner is also prepared to deposit a sum of Rs.25,000/-

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

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit RS.25,000/-, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Thoothukudi and preferably it can be utilized for the purpose of installation of UPS (inverter) in the hospital wards depending upon the requirement within the District and thereafter sureties shall be accepted.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until furtherers

(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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
16/05/2019

/ TRUE COPY /

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
P.E.W. POLICE STATION,
RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy To:

THE OFFICER IN CHARGE,
PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL, THOOTHUKUDI

+1. CC to M/S.M. PALANI RAJA Advocate SR.No.8573

ORDER
IN
CRL OP (MD) No.7109 of 2019
Date :16/05/2019

ES/JC/SAR 1/21.05.2019/3P/7C

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