

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7369 of 2019

KUMARESAN, ... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.144 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN Advocate

For Respondent : Mr.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(i) & 4(1-A) of Tamilnadu Prohibition Act, in Crime No.144 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on getting secret information, on 20.05.2019, the Inspector of Police conducted the raid and found that the petitioner along with other accused persons sold liquor bottles. Hence, the case has been registered against them and the A1 and A2 were arrested and remanded in the judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that property involved in this case has been recovered from the accused persons.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that at the time of

occurrence, the petitioner possessed 1)SNJ No.-1 BRANDY 180 ml bottles - 4, 2)SNJ No-1 BRANDY 180 ml bottles - 2, each having 90 ml of poisonous brandy, 3) COPPER PEARL BRANDY 180 ml bottles - 4, 4) MENS CLUP BRANDY 375 ML bottles - 3 and 5) MONITOR BRANDY 180 ML bottles - 2, totally 15 bottles which are saleable by TASMAC. As of now, during the time of investigation, the property possessed by the petitioner were recovered. Hence, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Further, substantial portion of investigation has been completed. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions 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.I, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii)the Petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

(iii)the Petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(v)on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

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

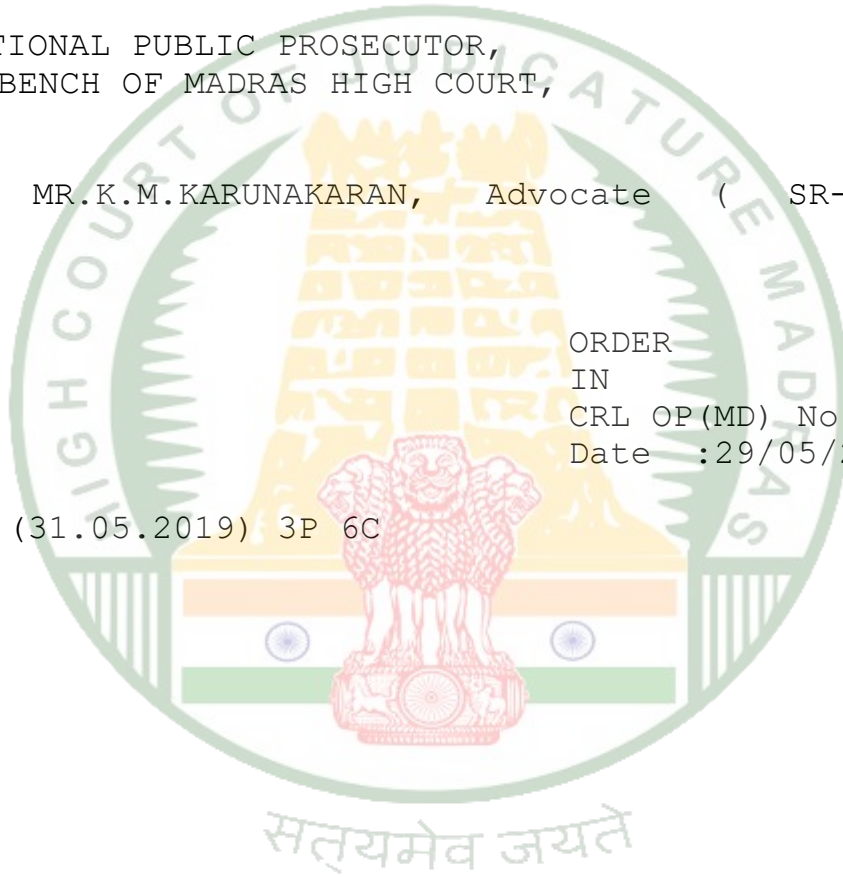
TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
2. DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.K.M.KARUNAKARAN, Advocate (SR-8877[I] dated
30/05/2019)

ORDER
IN
CRL OP(MD) No.7369 of 2019
Date :29/05/2019

TM
AE/VR/SAR-IV (31.05.2019) 3P 6C



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