

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.7568 of 2019

1 SARAVANAN

2 KRISHNAMOORTHY

... PETITIONER/ACCUSED Nos.3&4

Vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE
PEW, KARUR POLICE STATION,
KARUR DISTRICT.

In CRIME.NO.851 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.P.SENTHIL, 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 petitioners, who are arrayed as accused Nos.3 and 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A), 24 of Tamil Nadu Prohibition Act and Section 328 of I.P.C., in Crime No.851 of 2019, seek anticipatory bail.

2.The case of the prosecution is that based on the secret information, the respondent police raided the Moolakattanur TASMAL shop. At that time the petitioners were illegally selling liquors bottles in the west side of the TASMAL shop. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation has been completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners possessed 1,392 bottles of liquors which are saleable by TASMAL. As of now the said properties were recovered. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, on considering the above facts and circumstance, this Court is inclined to grant anticipatory bail with some stringent conditions.

6. Accordingly, the petitioners are 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 No.I, Karur, on condition that the petitioners 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 petitioners 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 petitioners shall stay at Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

(iv)the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners 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 anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, KARUR
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR
 - 3.THE INSPECTOR OF POLICE
PEW, KARUR POLICE STATION, KARUR DISTRICT
 - 4.THE INSPECTOR OF POLICE,
TOWN POLICE STATION, DHARMAPURI
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.M.P.SENTHIL Advocate SR.No.8945

ORDER
IN

CRL OP(MD) No.7568 of 2019
Date :29/05/2019

MRN/CP
PK/PN/SAR-2/03.05.2019 : 3P/7C

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