



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7624 of 2019

RAJU

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
PROHIBITION AND EXCISE WING.,
PATTUKKOTTAI,
THANJAVUR DISTRICT.
CR.NO.343 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.PITCHAI MUTHU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

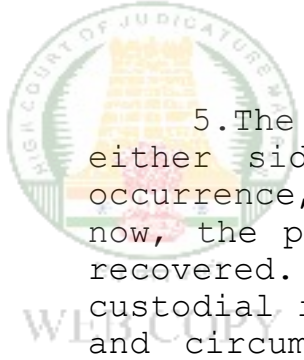
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of TN Prohibition Act (Transport) in Crime No.343 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, on 21.05.2019, while the respondent police was on vehicle checkup, the petitioner came by two wheeler and after seeing the police party by leaving the two wheeler he ran away from the occurrence place. Upon search of vehicle, the respondent police recovered 30 liters of Arrack. Thus, on complaint, a case has been registered against the petitioner and others.

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 and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the property, which was used for committing offence has been recovered.



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 30 liters of Arrack. As of now, the property, which was used in the commission of offence was recovered. Hence, nothing is going to be recovered by way of custodial interrogation. Accordingly, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions.

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, Pattukottai, Thanjavur District, 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 conditions 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 appear before the respondent Police daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with 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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-
30/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3. THE INSPECTOR OF POLICE
PROHIBITION AND EXCISE WING., PATTUKKOTTAI,
THANJAVUR DISTRICT.

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

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No.8955

ORDER

IN

CRL OP(MD) No.7624 of 2019

Date : 30/05/2019

MYR/TA

PK/PN/SAR-1/03.06.2019 : 3P/6C