

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7882 of 2019

Muthu Irulandi ... Petitioner/Accused No.1

Vs

The Inspector of Police,,
Prohibition Enforcement Wing,
Dindigul.
Crime No.750/2019.

... Respondent/Complainant

For Petitioner : M/s.M.Sankar, Advocate

For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor,

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

PRAYER :-

For Anticipatory Bail in crime no.750/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(a) of Tamil Nadu Prohibition Act in Crime No.750 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in the above case. He has further submitted that A-2 was arrested and subsequently, released on bail. He further submitted that no previous case is pending against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein and accused No.2

were running a Bar without getting necessary licence. He further submitted that already, A-2 was arrested and subsequently, released on bail. However, he fairly conceded that the petitioner has no previous case.

4. Taking into consideration the fact that the petitioner has no previous case and also the fact that A-2 was already arrested and subsequently, released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Nilakottai, Dindigul District, on condition that the petitioner shall execute 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 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) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
14/06/2019

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TO

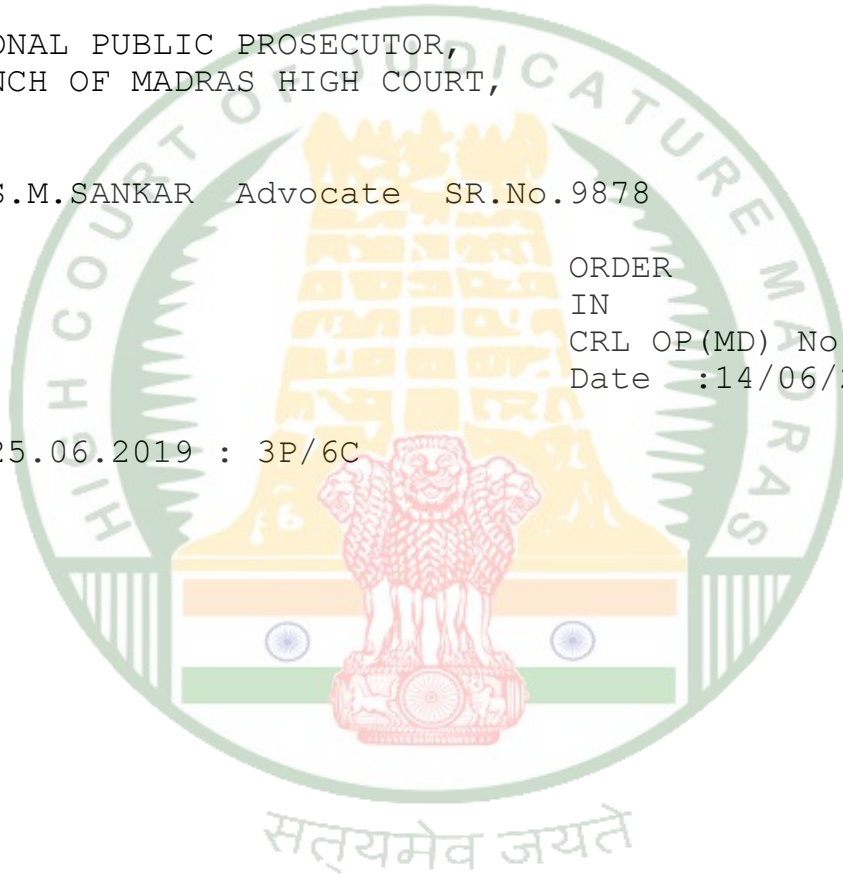
1. THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.SANKAR Advocate SR.No.9878

ORDER
IN
CRL OP(MD) No.7882 of 2019
Date :14/06/2019

VS

PK/PN/SAR-2/25.06.2019 : 3P/6C



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