

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.8222 of 2019

Prabu

... Petitioner/Accused No.1

Vs

State represented by,
The Inspector of Police,,
Chinnadharapuram Police Station,
Karur District.
Crime No.114/2019.

... Respondent/Complainant

For Petitioner : M/s.V.Nagarajan,
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. 114 of 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)
(aaa) of Tamil Nadu Prohibition Act in Crime No.114 of 2019, seeks
anticipatory bail.

2.The learned counsel appearing for the petitioner has
submitted that the petitioner has leased out a shed to A-2 and A-2
was arrested for the crime that he has stored 2856 liquor bottles in
the shed. He further submitted that subsequently, A-2 was released
on bail. He further submitted that even in the F.I.R, it is stated
that A-2 has admitted that he stored liquor bottles in the shed for
selling the same for his benefit only. He further submitted that
petitioner is in no way connected with the crime. Hence, he prayed
for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the
respondent has submitted that it is only the petitioner herein who
stored the aforesaid liquor bottles in his shed and A-2 is working
under him and therefore, he strongly opposed this petition. However,

he fairly conceded that the petitioner has no previous case.

4. In F.I.R, it is stated that when A-2 was arrested, he gave a confession statement that only for his benefit, he stored the liquor bottles in the said shed.

5. Taking into consideration of the aforesaid fact and also the fact that A-2 was already arrested and subsequently, released on bail and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain 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, No.II, Karur 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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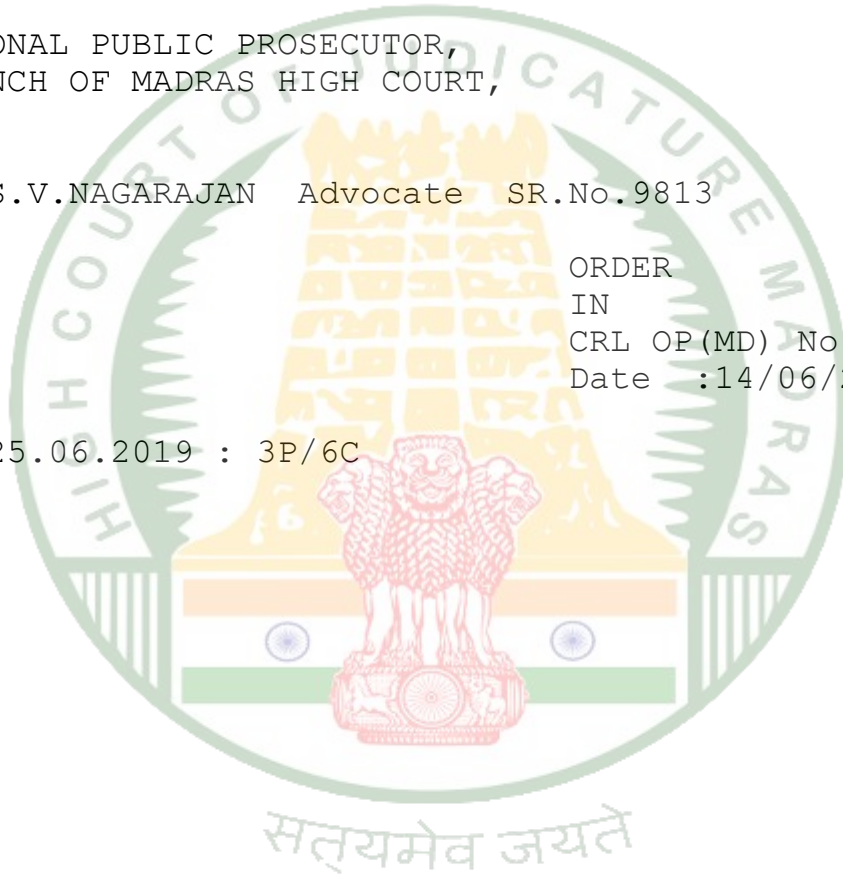
1. THE JUDICIAL MAGISTRATE NO.II,
KARUR DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
CHINNADHARAPURAM POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.NAGARAJAN Advocate SR.No.9813

ORDER
IN
CRL OP(MD) No.8222 of 2019
Date :14/06/2019

VS

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



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