



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8291 of 2019

Mandalamuthu

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Crime No.200 of 2019

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
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 cr.no.200 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/A-2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(a) r/w Section 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that based on the confession given by A-1, a false case has been registered against the petitioner. He further submitted that A-1 was already arrested and remanded to judicial custody and no previous case is pending against the petitioner herein. Hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that the respondent police was on regular patrolling duty, the first accused was found in possession of 10 bottles of express special IMFL each contains 180ml., with bag. He further submitted that only



on the confession given by A-1, a case was registered against the petitioner herein. He further submitted that A-1 was already arrested and remanded to judicial custody and hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

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5. Taking into consideration of the fact that only based on the confession given by A-2, this petitioner has been implicated in the above case and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with 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, Aranthangi and the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

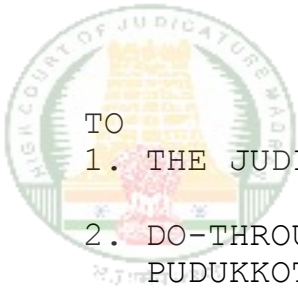
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/06/2019

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



TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.9870

ORDER

IN

CRL OP (MD) No.8291 of 2019

Date :17/06/2019

MS/VR/SAR-1/21.06.2019/3P.6C