



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8882 of 2019

Muruganantham

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Town West Police Station,
Thanjavur District,
Crime No.223/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
Advocate.

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

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

PRAYER :-

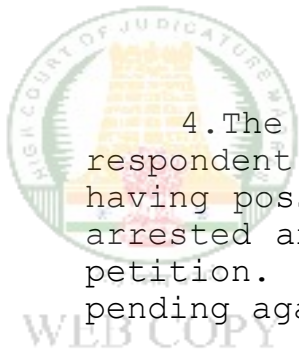
For Anticipatory Bail in Crime No.223/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4 (1) (aaa) and 4 (1-A) of Tamilnadu Prohibition Act, in Crime No.223 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 19.06.2019, based on the secrete information, the respondent police went to the occurrence place and they found that the accused persons were illegally having possession of 912 quarter bottles of liquor. A1 was already arrested and remanded to judicial custody. He further submitted that only based on the confession of A1, the petitioner has been falsely implicated in this case, and therefore, he prayed anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the accused persons were illegally having possession of 912 quarter bottles of liquor. A1 was already arrested and remanded to judicial custody and hence he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration of the aforesaid fact that the main allegation is only against A1 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 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.I, Thanjavur, on condition that 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 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 fail 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 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].

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

sd/-

27/06/2019

/ TRUE COPY /



TO

1.The Judicial Magistrate, No.I,
Thanjavur.

2.Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Town West Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-10626[I] dated 27/06/2019)

ORDER

IN

CRL OP(MD) No.8882 of 2019

dss

TK/PN/SAR.2/03.07.2019/3P/6C