



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

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) No.8950 of 2019

PANDIYAN @ KATTAIPANDI

... PETITIONER/ACCUSED NO.5

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, THANJAVUR DISTRICT.
(CRIME NO.394 OF 2019) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate
For Respondent : M/S.V.NEELAKANDAN,
ADDITIONAL PUBLIC PROSECUTOR

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

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 and 468 and 420 of IPC in Crime No.394 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that only confession given by A4, the petitioner herein has been implicated in the above case. The petitioner is not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally six accused in this case. He further submitted that the petitioner and other accused persons purchased liquor bottles from Pondicherry illegally and sold the same to some TASMAL bar. He further submitted that



totally 1056 bottles were recovered from the accused persons. He further submitted A1 is having one similar type of case. Hence, he opposed this petition. However, he fairly conceded that already A4 arrested and subsequently released on bail.

5. Taking into consideration the fact that already A4 arrested and subsequently released on bail and 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.2, 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 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/-
03/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. II
THANJAVUR

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

3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, THANJAVUR DISTRICT.

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.10959

ORDER
IN
CRL OP (MD) No.8950 of 2019
Date : 03/07/2019

JM/VR/SAR 1/16.07.2019/3P/6C