

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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8951 of 2019

SHANMUGAM

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING (PEW),
PALANI, DINDIGUL DISTRICT.
(CRIME NO.549 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.PALANI VELAYUTHAM Advocate

For Respondent : MR.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) (a), 4 (1) (A) of Tamilnadu Prohibition Act, and Section 353 of IPC, in Crime No.549 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 19.05.2019, when the respondent police conducted a raid in the TASMACH Shop No.3359, they found that A2 was illegally having possession of 11 Honey days Brandy Bottle with a view to make sale for higher profits. He further submitted that A1 was already arrested and remanded to judicial custody. The petitioner is an innocent person and he has been falsely implicated in this case, and hence, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein/A2 is the owner of the Bar and the accused person was illegally having possession of 11 honey days Brandy Bottle. A1 was already arrested and remanded to judicial custody. He further submitted that the investigation is

still pending 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 A1 was already arrested and remanded to judicial custody 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, Ottanchathiram, Dindigul District, 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 /

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

TO

1 THE JUDICIAL MAGISTRATE,
OTTANCHATHIRAM, DINDIGUL DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

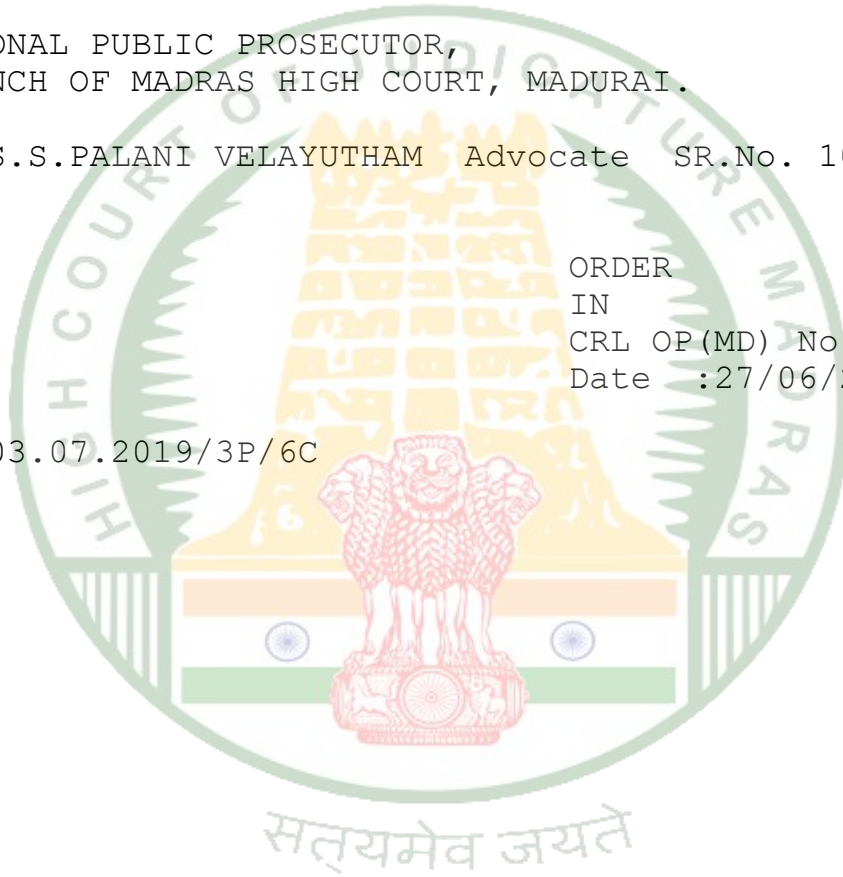
3 THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING (PEW),
PALANI, DINDIGUL DISTRICT.

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

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No. 10700

ORDER
IN
CRL OP(MD) No.8951 of 2019
Date :27/06/2019

JM/JC/SAR 4/03.07.2019/3P/6C



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