

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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8975 of 2019

SENTHIL KUMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PEW, DINDIGUL.
CRIME NO.719 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SARAVANA KUMAR 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 Tamil Nadu Prohibition Act, 1937, and Section 420 of IPC, in Crime No. 719 of 2019, seeks anticipatory bail.

2. Heard both sides. सत्यमेव जयते

3.The learned counsel appearing for the petitioner has submitted that based on the confession, given by A2, this petitioner was falsely implicated in this case. Even as per the FIR, on 20.05.2019, at about 10.00 a.m, the respondent police found 17 Brandi bottles in licensed TASMAL Bar, shop No.3172 at Batlalgundu Pachaipatti Road, Dindigul and they came to know that it is for sale without getting any license. He further submitted that A2 was already arrested and released on bail by the District and Sessions Judge, Dindigul. He further submitted that no previous case is pending against the petitioner, and therefore, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has illegally possessed 17 Brandi bottles for sale without any valid license. A2 was already arrested and released on bail by the trial Court. The property was

recovered. Hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration the fact that the petitioner was implicated in the above case based on the confession given by A2 and also the fact that no previous case is pending against the petitioner and also the fact that already A2 was arrested and released on bail and also the fact that the property was already recovered, 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, Nilakkottai, Dindigul District, 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/-

05/07/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE,
NILAKKOTTAI, DINDIGUL DISTRICT.

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

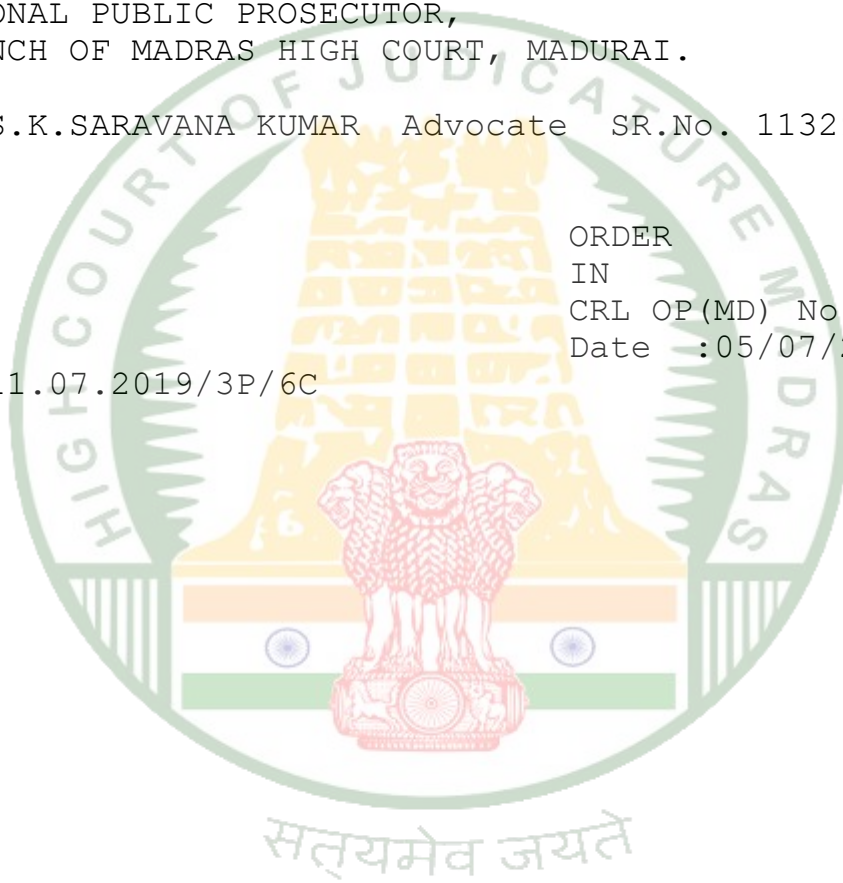
3 THE INSPECTOR OF POLICE,
PEW, DINDIGUL.

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

+1. CC to M/S.K.SARAVANA KUMAR Advocate SR.No. 11329

ORDER
IN
CRL OP(MD) No.8975 of 2019
Date :05/07/2019

JM/VR/SAR 3/11.07.2019/3P/6C



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