



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

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) No.8910 of 2019

VIJAYAGOPAL

... PETITIONER/ACCUSED NO.3

Vs

THE STATE

REP BY THE INSPECTOR OF POLICE,
PEW, THANJAVUR, THANJAVUR DISTRICT.
(CRIME NO.394/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. S.MAHENDRAPATHY 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), 4(1-A), 468 & 420 I.P.C in Crime No.394 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

3.Per contra, the learned Additional Government Pleader appearing for the respondent has submitted that there are totally six accused. The petitioner herein is A-3. A-4 was already arrested. The allegation against the petitioner is that he along with other accused persons purchased brandy bottles from Pondicherry Government and after selling the same, they filled the bottles with local liquor. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the petitioner has no previous case.



5. Taking into consideration of the fact that A-4 was already arrested in this 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 by imposing certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.II, 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:

[a] if the petitioner fails 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 for the 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.

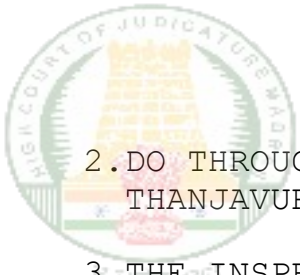
sd/-
08/07/2019

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>
1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.



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

3.THE INSPECTOR OF POLICE,
PEW, THANJAVUR, THANJAVUR DISTRICT.

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

+1. CC to M/S. S.MAHENDRAPATHY Advocate SR.No.11489

ORDER

IN

CRL OP (MD) No.8910 of 2019

Date :08/07/2019

JM/VR/SAR1/17.07.2019/3P/6C