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

Date : 15/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8976 of 2019

Chellapandi ... Petitioner/Accused No.1

Vs

The Inspector of Police,
PEW, Dindigul.
Crime No.718 of 2019 ... Respondent/Complainant

For Petitioner : M/s.K.Saravana Kumar,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.718 of 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)(a), 4(1-A) of Tamil Nadu Prohibition Act, 1937 and Section 420 I.P.C in Crime No.718 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, only based on the confession given by the co-accused. He further submitted that in this case, A-2 was already arrested and 26 brandy bottles were seized from him and hence, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the second accused was found in possession of 26 brandy bottles, which may contain poisonous substance. Subsequently, A-2 was arrested and based on the confession statement given by A-2, this petitioner was implicated in this case. He further submitted that the aforesaid 26 brandy bottles were also seized from A-2 and the anticipatory bail petition

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filed in respect of this petitioner was dismissed by the learned Sessions Judge. Hence, he opposed this petition. However, he fairly conceded that the petitioner has no previous case.

4.Taking into consideration of the fact that A-2 was already arrested and 26 brandy bottles were seized from him and also the fact that based on the confession given by A-2, this petitioner has been implicated in this case and also the fact that petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Nilakottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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/-
15/07/2019

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

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TO

1.THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
PEW, DINDIGUL.

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

+1. CC to Mr.K.SARAVANA KUMAR Advocate SR.No.11722

ORDER
IN
CRL OP(MD) No.8976 of 2019
Date :15/07/2019

vs
TK/PN/SAR.4/22.07.2019/3P/6C

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