



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9622 of 2019

Dhanasekaran

... Petitioner/Accused No.1

-Vs-

State Rep.by
The Inspector of Police,
Prohibition and Excise Wing,
Kumbakonam, Thanjavur District.
Crime No.468 of 2019).

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
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.468 /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) (aaa) and 4(1-A) of Tamilnadu Prohibition Act and Sections 468 and 420 of IPC in Crime No.468 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR, it is stated that some illegal liquor bottles were seized from the house which belongs to one Valliyammai. It is not stated in the FIR that how the petitioner herein is connected with the storing of the said liquor bottles in the house which belongs to one Valliyammai. It is stated that only on the secret information that the petitioner herein and another accused namely Rajkumar @ Pocket Raja were storing the illegal liquor bottles in the aforesaid place and apart from the said statement nothing has been stated that the petitioner is having any connection



with the said offence and hence he requests to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor has submitted that based on the secret information received by the respondent police the house which belongs to one Valliyammai has been searched and found possession of 3400 illegal liquor bottles. He further submitted that the petitioner is having 15 previous cases and hence he strongly opposed this petition.

5. Except the Omni bus statement that the respondent has received secret information that the petitioner herein and another accused have stored the illegal liquor bottles in a house which belongs to one Valliyammai, no other materials has been produced by the prosecution to show that the petitioner herein is involved in the above crime. Under the said circumstance, merely because the petitioner is having previous cases, anticipatory bail cannot be denied to the petitioner because there is no materials to implicate the petitioner in the present case.

6. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. 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.III, Thanjavur, Thanjavur 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 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.

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, THANJAVUR,
THANJAVUR DISTRICT.

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

3. THE INSPECTOR OF POLICE,
PROHIBITION AND EXCISE WING, KUMBAKONAM,
THANJAVUR DISTRICT.

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

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No.11792

ORDER

IN

CRL OP(MD) No.9622 of 2019

Date :15/07/2019

MS/PN/SAR-3/23.07.2019/3P.6C