



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

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.21280 of 2018

ESAKKI MANIKANDAN @ MANIKANDAN @ SENTHILNATHAN

... PETITIONER/ACCUSED

RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING (PEW),
THOOTHUKUDI, THOOTHUKUDI DISTRICT,
IN CR NO. 340 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.T.THIRAVIAM, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A5, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4 (1) (aa), 4 (1-4) and 14A of Tamil Nadu Prohibition Act and under Sections 465, 468 and 471 of IPC in Crime No.340 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that while the respondent police was patrolling with police team on 18.05.2017, the petitioner was transporting 496 liquor bottles of various brands as illegally in his Safari vehicle without any valid permit.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to his right, the petitioner is ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Dean, Medical College, Thoothukudi, Thoothukudi District. Further, the learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that if the petitioner is ready to deposit the said amount, this Court may consider the anticipatory bail application filed by the petitioner.

6.Considering the facts and circumstances of the case, 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.I, Kovilpatty, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 petitioners 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]**; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC;

(g) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Dean, Medical College, Thoothukudi, Thoothukudi District for giving treatment to the alchocol addicts parties, failing which, the bail granted to the petitioner shall stand vacated automatically:

sd/-
07/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTY, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
PROHIBITION AND ENFORCEMENT WING (PEW),
THOOTHUKUDI, THOOTHUKUDI DISTRICT

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

COPY TO: THE DEAN, MEDICAL COLLEGE, THOOTHUKUDI,
THOOTHUKUDI DISTRICT

+1. CC to MR.P.T.THIRAVIAM Advocate SR.No.2665

ORDER
IN
CRL OP (MD) No.21280 of 2018
Date :07/02/2019

MM

PK/PN/SAR-1/18.02.2019 : 3P/7C