



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

Date : 26/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10345 of 2019

1.Pradeep
2.Rathinavel

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by
The Inspector of Police,
Prohibition Enforcement Wing,
Karur.
Crime No.1042 of 2019

... Respondent/Complainant

For Petitioners: M/s.K.Arun Raj, 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. 1042 of 2019 on the file of the Respondent Police.

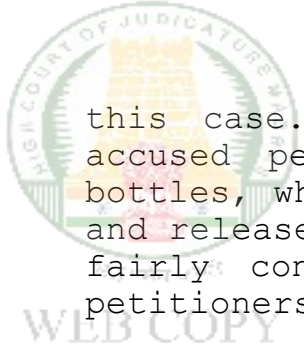
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4 (1) (a) r/w 24 of Tamil Nadu Prohibition Act, in Crime No. 1042 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that even as per the FIR, on 13.07.2019 at about 10.45 a.m, based on the secrete information, the respondent police went to the occurrence place and they found that the accused persons were illegally having possession of 134 liquor bottles. He further submitted that A1 was already arrested and released on bail and based on the confession of A1, the petitioner has been falsely implicated in this case and property was recovered from A1 only, and therefore, he prayed anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that totally three accused were involved in



this case. The petitioners herein are arrayed as A2 & A3. The accused persons were illegally having possession of 134 liquor bottles, which contain poisonous substances. A1 was already arrested and released on bail and hence he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners and property was recovered from A1 only.

5. Taking into consideration of the aforesaid fact that the main allegation is only against A1 and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Kulithalai, on condition that the petitioners 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:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 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/-
26/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. II,
KULITHALAI

2. DO-TROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
KARUR.

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

+1. CC to Mr. K. ARUNRAJ Advocate SR.No.12385

ORDER
IN
CRL OP (MD) No.10345 of 2019
Date : 26/07/2019

dss

TK/VR/SAR.4/02.08.2019/3P/6C