



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

Date : 26/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10585 of 2019

Periyasami

... Petitioner/2nd Accused

Vs

The State by,
The Inspector of Police,
Prohibition Exercise Wing,
Palani,
Dindigul District
(Cr.No.554/2019).

... Respondent/Complainant

For Petitioner : M/s.D.Venkatesh,
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 Cr.No.554/2019 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 Section 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act and 294(b) I.P.C in Crime No.554 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. He further submitted that based on the confession given by the first accused, the petitioner has been falsely implicated in this case. He further submitted that A-1 was already arrested on 25.06.2019 and hence, he prayed for grant of anticipatory bail to the petitioner.

3.The Additional Public Prosecutor appearing for the respondent has submitted that there are totally two accused and the petitioner is A-2. He further submitted that A-1 was found in illegal possession of 180 ML of 10 numbers of brandy bottles. He further submitted that based on the confession given by A-1, the petitioner has been arrayed as accused in this case and that A-1 was already



arrested on 25.06.2019. Hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner and that the contraband was recovered from the first accused.

4. Taking into consideration of the aforesaid facts and also the fact that no previous case is pending against the petitioner and that the property was recovered from the first accused, 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, Palani 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/-
26/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, PALANI,
DINDIGUL DISTRICT

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3. THE INSPECTOR OF POLICE
PROHIBITION EXERCISE WING, PALANI,
DINDIGUL DISTRICT

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.12543

ORDER

IN

CRL OP(MD) No.10585 of 2019

Date :26/07/2019

vs

PK/PN/SAR-1/06.08.2019 : 3P/6C