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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10815 of 2019

Sathyamoorthy, ... Petitioner/Accused Rank Not Known

Vs

State rep by
The Inspector of Police,
PEW Pattukottai Police Station,
Thanjavur District
(In Crime No.518 of 2019).

... Respondent/Complainant

For Petitioner : M/s.C.Susikumar,
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.518 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 the Tamil Nadu Prohibition Act and Sections 272 and
420 of I.P.C in Crime No.518 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 co-accused, the petitioner has been
falsely implicated in this case. He further submitted that A-1 to A-
3 were already arrested on 20.07.2019 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 four accused and the petitioner is A-4. He further submitted that A-1 and A-2 were found in illegal possession of alleged contraband. He further submitted that the petitioner's name does not find place in the F.I.R and subsequently, based on the confession given by A-1, the petitioner has been arrayed as accused in this case and that A-1 to A-3 were already arrested on 20.07.2019. 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, Pattukkottai 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/-
31/07/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
PATTUKKOTTAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT
- 3 THE INSPECTOR OF POLICE
PEW PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10815 of 2019
Date :31/07/2019

KM/JC/SAR-II (06.08.2019) 3P 5C