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CRL OP(MD) . No.11156 of 2019

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

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11156 of 2019

V.Kalimuthu

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Sivagiri Police Station,
Tirunelveli District at Present
Tenkasi District.
(Crime No.330 of 2019).

... Respondent/Complainant

For Petitioner : M/s. S.Balasubramanian,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.330 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 offence punishable under Section 4 of Tamil
Nadu Prohibition Act, seeks anticipatory bail.

2.Heard both sides.



3.The case of the prosecution is that the petitioner and other accused are said to have illegally transported three hundred litres of liquor. Hence, the complaint.

4.The learned counsel appearing for the petitioner has submitted that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

5.The learned Additional Public Prosecutor appearing for the respondent police has submitted that in this case, A1, A2 and A3 were already arrested and that the petitioner is not having any previous case.

6.Taking into consideration of the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri 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:

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT AT PRESENT TENKASI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. S.BALASUBRAMANIAN Advocate SR.No.13373

ORDER
IN
CRL OP(MD) No.11156 of 2019
Date :08/08/2019

AM/JC/SAR-1/21.08.2019/3P-6C