



WEB COPY

CRL OP(MD) . No.11301 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11301 of 2019

Natarajan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Prohibition of Enforcement Wing,
Karur.
Crime No.1086 of 2019.

... Respondent/Complainant

For Petitioner : M/s.V.Karuna,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 1086 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 Tamil Nadu Prohibition Act in Crime No.1086 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 not committed any offence. He further submitted that based on the confession given by A-1, he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner is arrayed as accused No.2 and the allegation against him is that he along with A-1 was found in possession of 10 litres of illicit arrack. He further submitted that A-1 was already arrested. However, he fairly conceded that the petitioner has no previous case and the contraband was seized.

4.Taking into consideration of the aforesaid facts and also the fact that the petitioner has no previous case and the contraband was seized from A-1, 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, No.I, Karur 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/-
16/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO I,
KARUR.
2. THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
PROHIBITION OF ENFORCEMENT WING,
KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11301 of 2019
Date :16/08/2019

vs
TK/MMS/SAR.2/26.08.2019/3P/5C