



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11356 of 2019

Karunanithi

... Petitioner/Accused No.2

Vs

State represented through
The Inspector of Police,
Kumbakonam PEW Police Station,
Thanajvur District.
Crime No. 410/2019.

... Respondent/Complainant

For Petitioner : M/s.P.R Prithiviraj,
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. 410 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 Section 4(1)(a)
and 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.410 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 only based on the
confession given by the co-accused, he has been falsely implicated
in this case. However, he further submitted that the petitioner is
willing to deposit a sum of Rs.5,000/- without prejudice to his
defence and hence, he prayed for grant of anticipatory bail to the
petitioner.



3.The Additional Public Prosecutor appearing for the respondent has submitted that the petitioner is A-2. He further submitted that the petitioner along with A-1 was found in illegal possession of 48 bottles of 180 ml brandy and transported the same. 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 accused persons.

4.Taking into consideration of the aforesaid facts and also the fact that no previous case is pending against the petitioner and that the contraband was recovered from the accused persons, 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.II, Kumbakonam 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:

(i)Before executing bail bond, the petitioner shall deposit a sum of Rs.5000/- (Rupees five thousand only) to the credit of Cr.No.410 of 2019 before the learned Judicial Magistrate, No.II, Kumbakonam without prejudice to his contentions before the trial court.

(ii)If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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 before the respondent police for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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 *Govindarajan P. vs. State of Kerala* [(2005)AIR SCW 5560].



(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE NO II,
KUMBAKONAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
KUMBAKONAM PEW POLICE STATION,
THANAJVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11356 of 2019
Date :27/08/2019

TK/JC/SAR.1/06.09.2019/3P/5C