



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

Date : 19/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11412 of 2019

Lingeswaran

... Petitioner/Sole Accused

Vs

The State:

Rep. Sub Inspector of Police (PEW),  
Kamuthi Police Station,  
Ramanathapuram District,  
(Crime No. 560 of 2019).

... Respondent/Complainant

For Petitioner : M/s.G.Vishnuram, 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. 560 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) (aaa) and 4(1-A) of Tamilnadu Prohibition Act in Crime No.560 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. However, on instruction, he further submitted that the petitioner is ready to deposit a sum of Rs.10,000/- without prejudice to his contention. Hence, he requests to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that based on the secret information received by the respondent police, the house which belongs to the petitioner has been searched and found in possession of 704 illegal liquor bottles and said bottles were seized. He further submitted that the petitioner is having three previous cases and hence he strongly opposed this petition. However, he fairly conceded that the said previous cases are IPC cases.



5. Taking into consideration of the fact that the properties were already seized and also the fact that even though three previous case are pending and those cases are IPC cases and no similar type of case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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, Kamuthi, Ramanathapuram District, 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:

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

(ii) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.560 of 2019 before the learned Judicial Magistrate, Kamuthi, Ramanathapuram District, without prejudice his defence before the trial Court;

(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 P.K.Shaji 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/-  
19/08/2019

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE  
KAMUTHI POLICE STATION,  
RAMANATHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.VISHNURAM, Advocate(SR-13847[I] dated 21/08/2019)

ORDER  
IN  
CRL OP(MD) No.11412 of 2019  
Date :19/08/2019

VSG  
ES/JC/SAR3/27.08.2019/3P/6C