



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

Date : 28/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP(MD) . No.11657 of 2019

Prabakaran

... Petitioner/Sole Accused

Vs

The State represented by,
The Inspector of Police,
Prohibition and Enforcement Wing,
Thanjavur,
Thanjavur District,
Crime No. 533/2019.

... Respondent/Complainant

For Petitioner : M/s. M. Pitchai Muthu,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 533 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)
and 4(1-A) of Tamilnadu Prohibition Act (Transport) in Crime No.533
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.5,000/- without prejudice to his contention. Hence, he requests
to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) has submitted that based on the secret information received by the respondent police, the petitioner fled away from the scene of occurrence by leaving his bag and the bag has been searched and found in possession of 48 illegal liquor bottles and said bottles were seized and hence he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

5.Taking into consideration of the fact that the properties were already seized and also the fact that 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 No.I, Thanjavur, Thanjavur 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.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.533 of 2019 before the learned Judicial Magistrate No.I, Thanjavur, Thanjavur 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.

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sd/-
28/08/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S. M. PITCHAI MUTHU Advocate SR.No.14437

ORDER
IN
CRL OP(MD) No.11657 of 2019
Date :28/08/2019

VSG
PK/JC/SAR-2/04.09.2019 : 3P/6C