



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5427 of 2020

1. Veerasekar
2. Sowndharyan

... Petitioners/Rank not known

Vs

The State Rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.Not Known).

... Respondent/Complainant

For Petitioners : Mr.R.Prasanna,
Advocate.

For Respondent : Mr.S.Chandra Sekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.not known on the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 4(1)(a) of Tamil Nadu Prohibition Act and Section 51(b) of Disaster Management Act, seek anticipatory bail.

2. Heard both sides.

3.According to the petitioners, the respondent police came to their house on 13th May, 2020 and made search of their house. They were not able to recover any incriminating material, therefore, they took away the bike of the petitioners. Apprehending of foisting a false case, the petitioners by E-mail have filed this Anticipatory Bail on 15th May, 2020.



4.The learned Additional Public Prosecutor appearing for the State as per his instructions states that the case was registered against these petitioners on 17.05.2020 for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act r/w 51(b) of Disaster Management Act and opposed this anticipatory bail petition on the ground that the petitioners without licence had brewed illicit arrack endangering the life, further had violated the prohibitory order. As far as the petitioners are concerned, apprehending arrest by the respondent police, they have approached this Court as early as on 15.05.2020, subsequent only, the present case has been registered by the respondent police on 17.05.2020.

5.Taking note of this discrepancy in the case of the prosecution, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing a own bond for a sum of Rs.25,000/- and further the petitioners shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate, Aranthangi, on or before 05.06.2020 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the investigating officer as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***; and;

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

sd/-
22/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



**Note: Due to lock-down on account of COVID-19,
this order copy may be treated as true copy.**

TO

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1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5427 of 2020
Date :22/05/2020

MYR
TE/JC/SAR-III : 22/05/2020 : 3P/5C