



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/06/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5571 of 2020

Alagar

... Petitioner/Sole Accused

Vs

State rep.by
Sub Inspector of Police,
Prohibition and Enforcement Wing,
Srivilliputtur,
Virudhunagar District.
In Crime No.371 of 2020..

... Respondent/Complainant

For Petitioner : M/s M.Jothi Basu,
Advocate.

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

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

PRAYER :-

To release the petitioner on bail in the event of his arrest in the case in Cr.No.371 of 2020 on the file of the Respondent Police pending investigation.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 4(1-A) of TNP Act seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 1.5 litres of illicit arrack during the lock down period.

3. The learned Government Advocate (Criminal Side) would submit that while the co- accused were arrested this petitioner fled from the scene of occurrence. Since chemical analysis report is awaited, anticipatory bail cannot be granted.



5. Taking note of the fact that there is no previous case pending against the petitioner and the quantity of illicit arrack said to have been possessed is only 1.5 litres this Court is inclined to grant anticipatory bail to the petitioner.

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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, Rajayapalayam on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioner 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 petitioner shall report before the respondent police as and when required for 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.

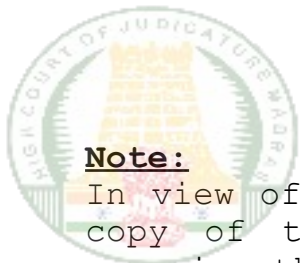
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/06/2020

/ TRUE COPY /

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLUPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-5722[I] dated 02/06/2020)

ORDER
IN
CRL OP(MD) No.5571 of 2020
Date :01/06/2020

AAV

SRS/ JC/ SAR-III/ 02.06.2020/ 3P/6C