



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

Date : 05/06/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5716 of 2020

1. NAVANEETHAN
2. SUNDARRAJ

... PETITIONERS/ACCUSED NO.4 & 5

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KURANGANI POLICE STATION,
CRIME NO.34/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.K.K.Samy,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.34 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1) (f), 4(1)(g) and 4(1-A) of TN Prohibition Act in Crime No.34 of 2020, on the file of the respondent police, seek anticipatory bail.

3.According to these petitioners, they are innocent persons and citizens, they have nothing to do with the said crime.

<https://hcrs.courts.madras.gov.in/hcrs/cases/>



4.The learned Government Advocate (Crl. side) appearing for the State submits that these petitioners along with four others involved in brewing liquor during the lock down period and on seeing the riding party, they have fled from the scene of occurrence. Incriminating materials for brewing liquor was recovered from the scene of occurrence. If the petitioners are allowed to go on bail, they will tamper the evidence and they will not be available for trial.

5.The learned counsel appearing for the petitioners submits that the petitioners have roots in the society and they will co-operate with the investigation.

6.Recording the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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/- each 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, Bodinaickanur, on or before 03.07.2020 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 respondent police as and when required for interrogation;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

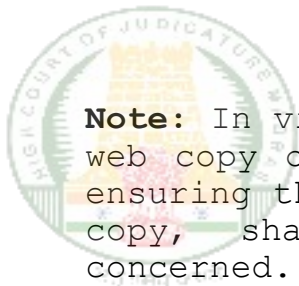
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.5716 of 2020
Date :05/06/2020

SJI
JM/PN/SAR 2/08.06.2020/3P/5C