



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

Date : 15/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7409 of 2020

WEB COPY

Muthu Selvam @ Viduthalai

... Petitioner/Sole Accused

Vs

State rep by its
The Inspector of Police,
Pew Thanjavur Police Station,
Thanjavur District
(Crime No. 445 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayalan,
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.445 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

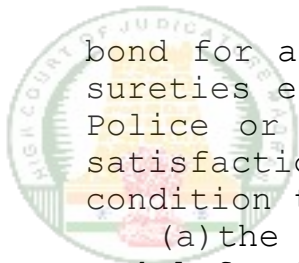
The petitioner is figuring as the sole accused in Crime No.445
of 2020, on the file of the respondent police for the offences
punishable under Sections 4(1)(aaa) and 4(1)(g) of Tamil Nadu
Prohibition Act.

2.The case of the prosecution is that the petitioner has found in
illegal possession of 110 liters of I.D arrack in clay pot.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent and he has not committed any offence
as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the
State would submit that the petitioner is having three previous
case. He would further submit that investigation is pending.

5.Considering the facts and circumstances of the case, this
Court is inclined to grant anticipatory bail to the petitioner with
certain conditions. Accordingly, the petitioner is ordered to be
released on bail in the event of arrest or on his appearance, within
a period of four weeks from the date of receipt of a copy of this
order, before the learned Judicial Magistrate, Thiruvaiyaru,
Thanjavur District, on condition that the petitioner shall execute a



bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(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]**; and;

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

sd/-

15.07.2020

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

SJI

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,
Thiruvaiyaru, Thanjavur District.

2. Do-Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.



3. The Inspector of Police,
Pew Thanjavur Police Station,
Thanjavur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

WEB COPY

ORDER
IN
CRL OP(MD) No.7409 of 2020
Date : 15/07/2020

VB SKN SAR 2 (17.07.2020) 3P 5C