



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

Thursday, the Tenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.9457 of 2020

1 P.JAYABALAN
2 K.SELVAM

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ODDANCHATHIRAM POLICE STATION,
ODDANCHATHIRAM,
DINDIGUL DISTRICT.
CRIME NO.1858 OF 2020.

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.RAMSUNDAR VIJAYRAJ, Advocate for
M/S.VEERA ASSOCIATES

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2 in Cr.No.1858 of 2020 on the file of Oddanchathiram Taluk Police Station, Dindigul District, have filed the present anticipatory bail petition that they are apprehending arrest for the offence under Section 4 (1) (a) of Tamilnadu Prohibition Act.

2.The case of the prosecution is that on 10.08.2020, when the defacto complainant along with his team of police constables is in the routine rounds, near Gandhi Market North Gate, Oddanchathiram, it was noticed that the petitioners along with two other persons were suspiciously moved and having 86 liquor bottles so as to sell the same to the public for higher price and on seeing the police officials, they ran away from the scene of occurrence leaving the liquor bottles. Hence, the respondent police lodged the present complaint.

3.The learned counsel for the petitioners submits that since the petitioners belong to a political party, to disrepute them, on the pressure and inducement of the opposite rival group, the



respondent has registered the above false case. The petitioners never indulged in such illegal acts.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners were having possession of 86 IFMC liquor bottles with them.

5.Though the respondent police registered a case that they have recovered 86 bottles of IMFC liquors on 10.08.2020, the petitioners could not be apprehended by them. There is no reference, as to how the identifications of the petitioners have been fixed by the respondent police later. Since these petitioners have not been apprehended at the time of occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready before the learned Judicial Magistrate, Oddanchathiram, Dindigul District, on condition that the petitioners shall execute a separate 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 and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police as and when required.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
10/09/2020

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



TO

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-6358[I] dated
10/09/2020)

ORDER
IN
CRL OP(MD) No.9457 of 2020
Date :10/09/2020

MS/VR/SAR-2/14.09.2020/3P.6C