



WEB COPY

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

Date : 13/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) .No.11244 of 2020

1.Satheesh Kumar
2.P.Gopi

... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
Arumanai Police Station,
Kanniyakumari District.
Crime No.446 of 2020

.. Respondent/Complainant

For Petitioners: Mr.K.Rajesh,
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.446 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(a) r/w Section 24 of Tamil Nadu Prohibition Act, in Crime No.446 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.10.2020 at about 8.00 a.m. the respondent police have conducted the ride and at that time, the petitioners have sold the quarter brandy bottles to the customers, before opening private recreation club and the respondent police have found six quarter brandy bottles. Hence, the case has been registered.



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

4.The learned counsel appearing for the petitioners submitted that the petitioners are no way connected with the said occurrence. He further submitted that the second petitioner had already been arrested and released on bail.

5.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the second petitioner had already been arrested and released on bail.

6.Considering the above facts and circumstances of the case and also considering the fact that the second petitioner had already been arrested and released on bail, this Criminal Original Petition is become infructuous and it is dismissed in respect of the second petitioner.

7.In so far as the first petitioner is concerned, I am inclined to grant anticipatory bail to the first petitioner with certain conditions.

8.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Kulithurai, on condition that the petitioner shall execute a 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 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 first 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 first petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20, within a period of two weeks without prejudice to his rights and contentions before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners.

(c)the first petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;

(d)the first petitioner shall not tamper with evidence or
<https://www.mca21.gov.in/user-services> during investigation or trial;



(e) the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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;

(g) if the accused/first petitioner 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.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHURAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD, ADYAR, CHENNAI- 20.

ORDER

IN

CRL OP(MD) No.11244 of 2020

Date : 13/10/2020

vsd

<https://hccs.ecgovernance.org/Services/2.10.2020> 3P 6C