



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.11280 of 2020

1.Anbuselvam
2.Theivam
3.Jeyaprakasam

...Petitioners/Accused Nos.5 to 7

Vs

State Rep.by
The Inspector of Police,
PEW, Srivilliputhur,
Virudhunagar District.
(Crime No.424 of 2020)

... Respondent/Complainant

For Petitioners: Mr.K.Gokul,
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.424 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A5 to A7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.424 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that during lockdown period 24 half bottles of IMFL and 331 quarter bottles of IMFL were found in the recreation club run by A4 and these petitioners were associating with A4 in managing the recreation club. While other accused were arrested and remanded to judicial custody, these petitioners are absconding.



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 ready and willing to deposit the substantial amount.

5. The learned Government Advocate (Crl.side) opposed the anticipatory bail petition on the ground that huge quantity of IMFL has been seized and this matter has to be investigated for which, judicial custody of these petitioners is essential.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 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 make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai-20, within a period of two weeks without prejudice to their 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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



by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;
(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
13/10/2020

/ 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 NO.II, SRIVILLIPUTHUR.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
PEW, SRIVILLIPUTHUR, VIRUDHUNAGAR 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.11280 of 2020
Date :13/10/2020

vsd
AE/JC/SAR-III (16.10.2020) 3P 6C