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

Date : 05/11/2020

PRESENT

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

CRL OP(MD). No.12458 of 2020

Sankar

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
PEW-Pattukkottai,
Thanjavur District.
Crime No.788 of 2020.

... Respondent/Complainant

For Petitioner : M/s.D.Saranya,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 788 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that on 23.10.2020 at about 07.00 pm., the respondent police intercepted the vehicle bearing Registration No.TN-49 AU 2381 and they found 20 litres of country liquor and committed the offence and also escaped from the occurrence place.

4. The learned counsel for the petitioner would submit that the

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petitioner is an innocent and he has been falsely implicated in this case. He would also submit that there is no previous case as against the petitioner.

5.The learned Government Advocate(Criminal Side) submitted that the petitioner was in possession of 20 litres of country liquor. He further submitted that the petitioner has no previous case.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur District, on the following conditions:

[a] the 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, without prejudice to his rights and contentions before the trial Court;

[b] On such deposit,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 learned Judicial Magistrate, Pattukottai, Thanjavur District

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the petitioner 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.

[e]the petitioner shall not abscond either during investigation or trial.

[f]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g]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. Saji vs. State of Kerala* [(2005)AIR SCW 5560].



[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/11/2020

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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,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PEW-PATTUKKOTTAI,
THANJAVUR 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.12458 of 2020
Date :05/11/2020

LS
SRS/AKM/SAR-II/11.11.2020/3P/6C