



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

PRESENT

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

CRL OP(MD). No.12346 of 2020

Nadimuthu

... Petitioner/
Accused(Rank not known)

Vs

The State rep. by
The Inspector of Police,
P.E.W. Pattukkottai,
Thanjavur District.
(Crime No.782/2020).

... Respondent/Complainant

For Petitioner : M/s.B.Anandan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.782 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

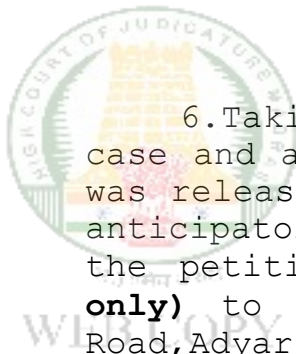
The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act in crime No.782 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the petitioner and other accused were in illegal possession of 38 Nos. of liquor bottles, each containing 180 ml. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5.The learned Government Advocate(Criminal Side) submitted that the investigation is pending.



6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall deposit of **Rs.10,000/- (Rupees Ten 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.

7. On such deposit, 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, Pattukkottai 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 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 daily at 10.30 a.m., for period of two weeks and thereafter 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/11/2020

/ 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,
PATTUKOTTAI.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
P.E.W. 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.12346 of 2020
Date :04/11/2020

GNS

SRS/AKM/SAR-III/18.11.2020/3P/6C