



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2020

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PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12703 of 2020

Vairamoni

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Rep.by The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
(Crime No. 240 of 2019).

... Respondent/Complainant

For Petitioner : M/s.C.K.M.Appaji,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

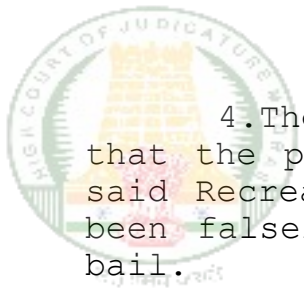
For Anticipatory Bail in Crime No.240 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioner/A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(aaa), 4(1)(i) and 24 of Tamil Nadu Prohibition Act, in Crime No.240 of 2019 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that when the respondent police raided the Najil Recreation Centre, Nagacode and found that the first accused had selling liquor at prohibited time and seized 636 bottles of alcohol and hence, a case has been registered against the petitioner.



4.The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A2, who is the Secretary of the said Recreation Centre, no way connected with the case and he has been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate(Crl.side) appearing for the respondent police made a submission that there is no previous case pending against the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that there is no bad antecedent against the petitioner, 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 on his 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, Padmanabhapuram, 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 10.00 a.m., for a 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/11/2020

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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 NO.II,
PADMANABHAPURAM.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12703 of 2020
Date :10/11/2020

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AE/AKM/SAR-III (19.11.2020) 3P 5C