



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

Date : 19/11/2020

PRESENT

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

CRL OP(MD) . No.13085 of 2020

Senthilkumar

... Petitioner/Sole Accused

Vs

State Rep.By its.,
The Inspector of Police,
Prohibition and Enforcement Wing,
Thuckalay, Kanyakumari District.
Crime No. 513 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.S.Ramakrishna Dass,
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.513 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(g) and 4(1-A), 14 A of TNP Act on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of five litres of illicit arrack and found in preparation of 50 litres of arrack.

3.The learned counsel appearing for the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the contraband were recovered by the respondent police and no previous case is pending against the petitioner.



5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 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. and 6.00pm., for a period of two weeks and thereafter daily at 10.00 a.m., for another period of two weeks.

(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/-
19/11/2020

/ 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 NO.II
PADMANABAPURAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL
3. THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
THUCKALAY, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.N.S.RAMAKRISHNA DASS Advocate SR.No.7573

ORDER
IN
CRL OP(MD) No.13085 of 2020
Date :19/11/2020

AAV
PK/JC/SAR-III/23.11.2020 : 3P/6C