



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13288 of 2020

Ganesan

... Petitioner/Accused-5

Vs

The State rep. by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
Crime No.297/2020.

... Respondent/Complainant

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

For Respondent : Mr.R.Erottuchmay,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime no. 297 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(aaa), 24 of Tamil Nadu Prohibition Act, in Crime No.297 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have illegally possessed 1026 liquor bottles. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to statistical purpose only, the present case has been foisted against the petitioner. Hence, he seeks anticipatory bail.



5. The learned Government Advocate (criminal side), on instructions, submitted that the properties were recovered and investigation has almost over.

6. Considering the fact and circumstances of the case and also considering the fact that investigation has almost over, 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 before the learned Judicial Magistrate, Rameswaram, Ramanathapuram District, and on his executing 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 Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police as and when required for interrogation.

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

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

[d] 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].

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

sd/-

23/11/2020

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/ /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



TO

1. THE JUDICIAL MAGISTRATE,
RAMESWARAM,
RAMANATHAPURAM DISTRICT.

2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/S.D.BALAMURUGAPANDI, Advocate (SR-7618[I] dated 24/11/2020)

ORDER

IN

CRL OP(MD) No.13288 of 2020

Date :23/11/2020

KSA

SRS/JC/SAR-II/02.12.2020/3P/6C