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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

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

CRL OP (MD) . No.13671 of 2020

Pocket Raja @ Rajkumar

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
PEW-Kumbakonam Police Station,
Thanjavur District.
Crime No. 468 of 2019.

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
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.468 of 2019 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (aaa), 4(1-A) of Tamilnadu Prohibition Act and Section 420 & 468 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 3400 liquor bottles each contain 180 ml.

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



4. The learned Government Advocate (Crl. Side) appearing for the State would submit that there are totally 2 accused involved in this case. The petitioner was found in illegal possession of 3400 liquor bottles each contain 180 ml and the same was recovered by the respondent police. He would also submit that no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the entire liquor bottles were seized by the respondent police and also 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 anticipatory bail, subject to the following conditions

[a] the petitioner shall make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of Arignar Anna Cancer Institute, Kanchipuram, 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 Court No. III, Thanjavur.

[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.Shaji vs. State of Kerala [(2005) AIR SCW 5560].



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

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sd/-
01/12/2020

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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.III, THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKKONAM.
3. THE INSPECTOR OF POLICE,
PEW-KUMBAKKONAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
ARIGNAR ANNA CANCER INSTITUTE,
KANCHIPURAM.

ORDER
IN
CRL OP(MD) No.13671 of 2020
Date :01/12/2020

DSS
TE/JC/SAR-III : 04/12/2020 : 3P/6C