



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

Date : 02/12/2020

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PRESENT

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

CRL OP(MD). No.13787 of 2020

Saravanan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Pattukottai Poilce Station,
Thanjavur District.
Crime No. 724 of 2020.

... Respondent/Complainant

For Petitioner : Mr.B.N.Raja Mohamed,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.724 of 2020 on the file of the Respondent Police.

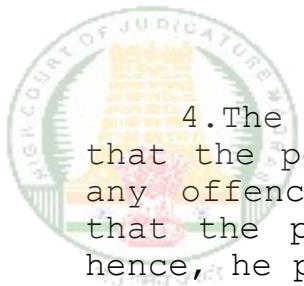
ORDER : The Court made the following order :-

The petitioner / sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(aa), 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act, 1937, in Crime No.724 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is said to have possessed 50 litres of wash and 10 litres of liquor and on seeing the police, he escaped from the scene of occurrence place abandoning the liquor.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the

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4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is said to have possessed 50 litres of wash and 10 litres of liquor, which was under custody of concerned Court.

6.Considering the facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioner does not require in this case and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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.10,000/- (Rupees Ten 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 being made, 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, Pattukottai, Thanjavur District.

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



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

sd/-
02/12/2020

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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 concerned.

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PATTUKOTTAI 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.

+1.CC to M/S.B.N.RAJA MOHAMED, Advocate, (SR.No.7918 dated 04/12/2020)

ORDER
IN
CRL OP(MD) No.13787 of 2020
Date :02/12/2020

LS
SRS/JC/SAR-IV/07.12.2020/3P/7C

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