



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13816 of 2020

Raja

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.1525 of 2020

... Respondent/Complainant

For Petitioner : Mr.V.Karuna, Advocate.

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

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

PRAYER :-

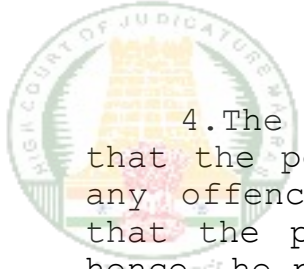
For Anticipatory Bail in Crime No.1525 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(aaa) of Tamil Nadu Prohibition Act, 1937, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused sold the liquor bottles of 450 contains 180 ml. Brandy bottles and 69 of Beer bottles in the locality, at that time, the respondent police conducted ride and enquired the first accused and in that enquiry A1 had stated that the said bottles were purchased in the second accused's shop.

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



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 (Crl. Side) appearing for the respondent police submitted that the petitioner is arrayed as A2. A1 sold the liquor bottles of 450 contains 180 ml. Brandy bottles and 69 of Beer bottles in the locality, at that time, the respondent police conducted ride and enquired the first accused and in that enquiry A1 had stated that the said bottles were purchased in the second accused's shop and the liquor bottles were 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.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 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, Vedachandur, Dindigul 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 four 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.

sd/-
02/12/2020

/ 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,
VEDACHANDUR,
DINDIGUL DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL 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.13816 of 2020
Date : 02/12/2020