



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.14211 of 2020

Malaisamy

... Petitioner/Accused-4

Vs

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

... Respondent/Complainant

For Petitioner : Mr.D.Balamurugapandi, 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. 297 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1) (aaa) and 24 of Tamilnadu 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 on the secret information, Mr.Nagarajan, who is the Sub Inspector of Police attached to the respondent police station arrested Reagan, who was in possession of Tasmac Liquor bottles. The petitioner is implicated as accused in this case on the confession statement of Reagan. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is a PWD contractor in the said locality. The petitioner is innocent person and he has no bad antecedents.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that from the confession statement of Reagan, it is revealed that the petitioner was also involved in prohibition offence.



5.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, 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.10,000/- (Rupees Ten Thousand only)** to the credit of Arignar Anna Cancer Institute, Kanchipuram, without prejudice to their 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, Rameswaram, Ramanathapuram 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.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/-
07/12/2020

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH 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.

COPY TO:

THE OFFICER INCHARGE,
ARIGNAR ANNA CANCER INSTITUTE, KANCHIPURAM.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-7944[I] dated 07/12/2020

ORDER

IN

CRL OP(MD) No.14211 of 2020

Date :07/12/2020

IAS

TK/PN/SAR.2/09.12.2020/3P/7C