



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2020

PRESENT

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

CRL OP(MD). No.14602 of 2020

Sarboudine

... Petitioner/Accused
Rank Not Known

Vs

The State rep by
The Inspector of Police,
Kumbakonam Prohibition Enforcement Wing
Thanjavur District.
Cr No. 682/2020.

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 682/2020 on the file of
the Respondent police

ORDER : The Court made the following order :-

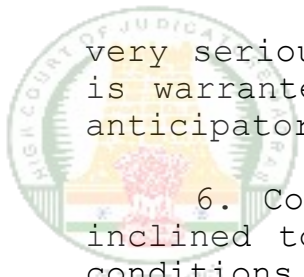
Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 4(1)
(aaa) and 4(1-A) of Tamilnadu Prohibition Act, in Crime No.682 of
2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that when the respondent
conducted an inspection based on the secret information, the
petitioner transported 110 litters of I.D. Arrack. Hence, a case
has been registered.

4. The learned counsel for the petitioner submitted that A1 was
arrested and released on bail. The petitioner is innocent person
and he has not committed any offence as alleged by prosecution.

5. The learned Government Advocate (Crl. Side) submitted that
the petitioner illegally transported the prohibited things and it is



very serious offence. The custodial interrogation of the petitioner is warranted in this case. Hence, he prays for dismissal of this anticipatory bail petition.

6. Considering the facts and circumstances of the case, I am 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 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, Thiruvidadaimaruthur.

[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].

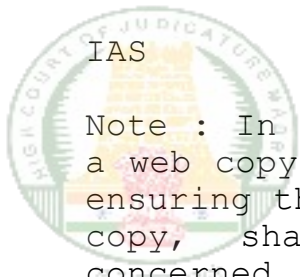
[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11.12.2020

/ TRUE COPY /

/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



IAS

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, Thiruvidaimaruthur.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Inspector of Police,
Kumbakonam Prohibition Enforcement Wing,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer In Charge,
Arignar Anna Cancer Institute,
Kanchipuram.

ORDER
IN

CRL OP(MD) No.14602 of 2020
Date : 11/12/2020

VB RSK SAR 3 (17.12.2020) 3P 6C