



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2020

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PRESENT

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

CRL OP(MD) . No.15341 of 2020

1. Arumugam
2. Petchimuthu

... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
PEW- Srivilliputhur Police Station,
Virudhunagar District.
(Crime No. 409 of 2020).

... Respondent/Complainant

For Petitioners : M/s.N.Balasubramanian,
Advocate.

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

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

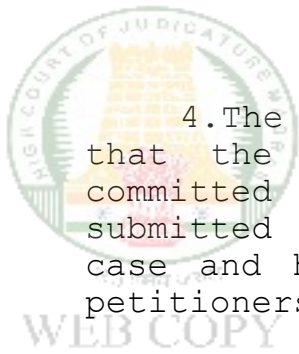
PRAYER :- For Anticipatory bail in Crime No. 409 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / accused Nos.1 & 2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(g), 4(1)(b), 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners is said to have possessed illegal arrack without valid permission from the concerned authority.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is said to have possessed illegal arrack without valid permission without valid permission from the authority and the said contraband 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 petitioners does not require in this case and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory bail, subject to the following conditions:-

[a] Each of the petitioners shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each [Totally a sum of Rs.20,000/- (Rupees Twenty 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 petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam, Virudhunagar 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 petitioners 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 petitioners shall not abscond either during investigation or trial.

[f]the petitioners 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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners 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/-
21/12/2020

/ 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,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
PEW- SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR 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.15341 of 2020
Date :21/12/2020

Ls
AE/JM/SAR-II (29.12.2020) 3P / 6C