



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3601 of 2021

1. Anish @ Anish Kumar
2. Murali
3. Rejin
4. Joy

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Marthandam Police Station, Marthandam,
Kanyakumari District
Crime No.76/2021.

... Respondent/Complainant

For Petitioners : M/s.Char Murugan.B.,
Advocate.

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

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

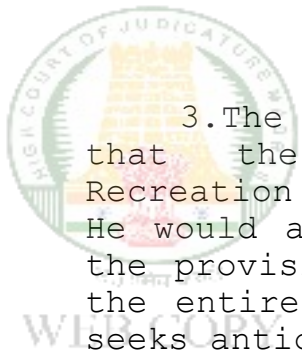
PRAYER :-

For Anticipatory Bail in Crime no.76 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A4 apprehending arrest at the hands of the respondent police for the offence punishable under sections 4 (1)(aaa) and 4(1)(i) 24 of TNP Act on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that S.S Recreation Club was opened around 6.00 a.m., against Government rules and regulations and they have stored the liquor bottles more than the prescribed limit for sales. Hence the complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners petitioner are the employees in the S.S. Recreation club and they have been falsely implicated in this case. He would also submit that the said club has been registered under the provision of law of the Government. He would also submit that the entire bottles were seized by the respondent police, hence he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that S.S Recreation Club was opened around 6.00 a.m., against Government rules and regulations and they have stored the liquor bottles more than the prescribed limit for sales. He would also submit that no previous case is pending against the petitioners and the entire bottles were seized by the respondent police.

5. It is seen that the petitioners are employees of S.S. Recreation Club which has got F.L.II license issued by the Commissioner of Prohibition and Excise, Chepauk, Chennai. It is further seen that on the date of occurrence at about 06.30 am., the petitioners were indulging in selling liquor bottles contrary to the license, hence the case has been registered and the entire bottles have been recovered. The only allegation levelled against the petitioners is that they in violation of the license they tried to sell the liquor bottle which is not permitted.

6.Considering the facts and circumstances of the case and also considering the fact that the entire bottles were seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall draw a demand draft in favour of **The Dean, Medical College and Hospital, Kanyakumarifor a sum of Rs.10,000/- (Rupees Ten thousand only)each** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft. On acknowledgment of the same, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District on condition that 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their



(b)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.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
MEDICAL COLLEGE AND HOSPITAL,
KANYAKUMARI.

+1. CC to MR.B.CHAR MURUGAN Advocate SR.No.2775

ORDER

IN

CRL OP(MD) No.3601 of 2021

Date :30/03/2021

NR/VR(01.04.2021) 4P:7C