



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5362 of 2021

Pitchaimani

... Petitioner/Accused

Vs

State through
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District
Cr No. 37/2021.

... Respondent/Complainant

For Petitioner : M/s.Thirunavukarasu.S.,
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. 37 of 2021 on the
file of the respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
4(1)(aaa) TNP Act in Crime No.37 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found
in illegal possession of 700 numbers of liquor bottles each
containing 250ml liquor. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that the
petitioner is in illegal possession of 700 numbers of liquor bottles
each containing 250ml liquor and all the bottles were recovered. He
further submitted that there is no previous case against the
petitioner.



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

6. It is seen from the submissions made that the petitioner is in illegal possession of 700 numbers of liquor bottles each containing 250ml liquor, without any authorization. Therefore, the present case came to be registered. It is also seen that all the bottles were recovered and there is no previous case against the petitioner. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. II, Virudunagar on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner 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 identity.

[b] the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

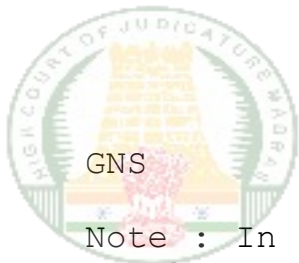
sd/-

16.04.2021

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/ /2021

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 NO.II,
VIRUDUNAGAR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE INSPECTOR OF POLICE,
AVIYOOR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.THIRUNAVUKKARASU, Advocate (SR-3169[I] dated 17/04/2021)

ORDER
IN
CRL OP(MD) No.5362 of 2021
Date : 16/04/2021

VB/PN/SAR-I (20/04/2021) 3P / 6c