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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5684 of 2021

Perumalsamy

... Petitioner/Accused No.4

Vs

The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
(Crime No. 62 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Velpradeep I,
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.62 of 2021 on the file of the Respondent Police.

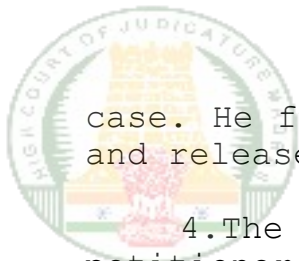
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa) and 4(1)(i) of the Tamilnadu Prohibition Act in Crime No.62 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Supervisor of TASMACH shop No.12066. The other accused in this case have bought liquor bottles from him and sold the same at higher price. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he falsely implicated in this

<https://hcservices.ecourts.gov.in/hcservices/>



case. He further submitted that A1 to A3 in this case were arrested and released on bail.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is this Supervisor and he also involved in the crime. He also submitted there is no previous case pending 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 the Supervisor and all the accused said to have bought liquor bottles and sold the same at higher price. Therefore, this case came to be registered. It is also seen that the co-accused were arrested and released on bail. Considering the above facts and circumstances of the case and also considering the fact that the petitioner has no previous case, 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.2, Srivillipudhur 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.

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sd/-
21/04/2021

/ TRUE COPY /

/ /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,
SRIVILLIPUDHUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUDHUR.
3. THE INSPECTOR OF POLICE,
VANNIYAMPATTI VILAKKU POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.VELPRADEEP, Advocate (SR-3296[I] dated 22/04/2021)

ORDER
IN
CRL OP(MD) No.5684 of 2021
Date :21/04/2021

AMS/PN/SAR-2/28/04/2021/3P/6C