



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/04/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.5824 of 2021

V.Saravanan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Prohibition & Enforcement Wing,
Pattukottai, Thanjavur District.
Crime No.518 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Senthamil Selvan,
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.518 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as an accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 4(1)(a), 4(1)(k) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.518 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30.03.2021 at about 10.30 p.m. the defacto complainant conducted prohibition ride in Shop No.8080, the petitioner was found in possession of 30 bottles of liquor each contain 180 ML illegally. On 30.03.2021, the liquor shop closed due Covid-19 pandemic restruictions. Since the petitioner was selling liquor when there was a prohibition, the present complaint is registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a license holder of a bar. A2 was running the bar at present and selling liquor bottles illegally and he was arrested and remanded to judicial custody. He is not involved in



selling the liquor illegally. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that there is no previous case pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no previous case pending against the petitioner and the fact that he was not directly involved in selling the liquor bottles, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Pattukottai, Thanjavur District, 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 a.m. 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/-

27/04/2021

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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,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PROHIBITION & ENFORCEMENT WING,
PATTUKOTTAI, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1 CC to M/s.K.K.SAMY, Advocate (SR-17844[F] dated 28/04/2021)

ORDER

IN

CRL OP(MD) No.5824 of 2021

Date :27/04/2021

VSD

MS/PN/SAR-2/11.05.2021/3P.6C