



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

Thursday, the Twenty Ninth day of April Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.6092 of 2021

Sethu

... Petitioner/Sole Accused

Vs

State Represented by,
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District
(Crime No.38 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Balamurugan.S.,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

C-33AB. for Anticipatory Bail in Crime No.38 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) of the Tamilnad Prohibition Act in Crime No.38 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was in illegal possession of 672 liquor bottles, each containing 180 ml 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 investigation is pending.



5.Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall pay a sum of Rs.25,000/- to Arulmugu Ramalinga Swamigal Dharmasalai Trust(Old Age Home), Valvangi Village, Aruppukkottai Taluk, Virudhunagar District, without prejudice to his rights.

6.After paying the above said amount, 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, Virudhunagar, 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.

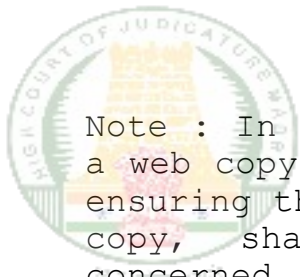
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
29/04/2021

/ 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.

WEB COPY

TO

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

COPY TO:

The Officer Incharge,
Arulmugu Ramalinga Swamigal Dharmasalai Trust (Old Age Home),
Valvangi Village, Aruppukkottai Taluk,
Virudhunagar District,

ORDER

IN

CRL OP (MD) No.6092 of 2021

Date : 29/04/2021

GNS

CSL/05.05.2021 : 3P/6C