



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.6497 of 2021

Angusamy

... Petitioner/Accused No.4

Vs

The State Rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Sivagangai District.
Crime No.1260 of 2019.

... Respondent/Complainant

For Petitioner : Mr.Gokulraj.S, Advocate.

For Respondent : Mr.m.Muthumanikkam,
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.1260 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

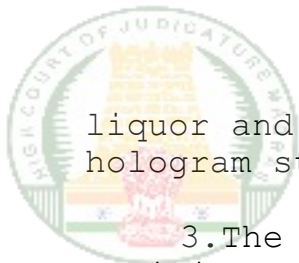
The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471 of IPC and Sections 4(1)(aaa) and 4 (1-A) of Tamil Nadu Prohibition Act and Sections 5 and 7 of Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.1260 of 2019, seeks anticipatory bail.

2.It is seen from the submissions made that on a secrete information, the police party of the defacto complainant conducted a ride, on 21.08.2019, at the house of Murugesan. On seeing the police party, Ramachandran and others escaped from the scene and on search, the police found 2544 bottles of liquor, the details are as follows:

1.180 Ml Copper Barrel Brandy -	528 Bottles
2.180 Ml Express Brandy -	1248 Bottles
3. 180 Ml Black Pearl Brandy -	768 Bottles

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

It is revealed that the liquor found in the bottle is spurious



liquor and the accused had joined together and prepared forged Hydro hologram stickers and therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. Though this case was registered on 21.08.2019, the petitioner has been implicated only recently and therefore, he seeks anticipatory bail.

4.The learned Government Advocate (criminal side) opposed this petition on the ground that the accused had fabricated Hydro hologram stickers to sell a spurious liquor by illegal means. However, the first and second accused were arrested and granted bail and the third accused was granted anticipatory bail.

5.Taking note of the fact that this case was registered on 21.08.2019 and the fact that the substantial part of the investigation is over and the fact co-accused had been released either on bail or anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with condition.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai 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 to 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 is directed to deposit a sum of Rs.10,000/- **(Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Devakottai, Sivagangai District.

(c)the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;



(f) 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]**; and;

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

sd/-

16/06/2021

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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,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARITAT, CHENNAI-9

ORDER IN
CRL OP(MD) No.6497 of 2021
Date :16/06/2021