



WEB COPY

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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6792 of 2021

1. Nethaji
2. Ravikumar

... Petitioners/Accused 2-4

Vs

The State Represented
by Sub Inspector of Police,
Jetty Police Station,
Rameswaram, Ramanathapuram District.
Crime No.88 of 2021.

... Respondent/Complainant

For Petitioners : Mr.D.Balamurugapandi,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

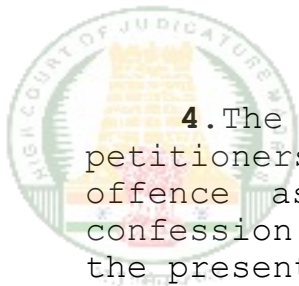
PRAYER :-For Anticipatory Bail in Crime No.88 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4(1)(aaa) of Tamil Nadu Prohibition Act in Crime No.88 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.When the respondent police conducted inspection based on secret information, they found that the accused were in possession of Tasmac liquor bottles. Hence, this case has been registered.



4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and only based on the confession statement of A1, the petitioners have been implicated in the present case and hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the first petitioner is having two previous cases, which are similar in nature.

6.Since the first petitioner is having two previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner.

7.Insofar as the second petitioner is concerned, considering the facts and circumstances of the case and considering the fact that there is no previous case against him, this Court is inclined to grant anticipatory bail to the second petitioner on certain conditions.

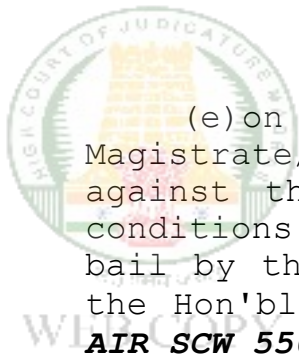
8.Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the second petitioner shall appear before the learned Judicial Magistrate, Rameshwaram, Ramanathapuram District, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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 second petitioner shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

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

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

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

sd/-
19/05/2021

/ 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,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
JETTY POLICE STATION, RAMESHWARAM,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.BALAMURUGAPANDI, Advocate SR.No.3709

ORDER
IN
CRL OP(MD) No.6792 of 2021
Date : 19/05/2021

ls/Mrn
AE/AKM/III/25.05.2021/3P/6C