



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

The Hon'ble Mr. Justice K.MURALI SHANKAR

CRL OP(MD) No.7075 of 2021

K.Duraisamy

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Prohibition and Enforcement Wing,
Pudukkottai.
Crime No. 461 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Ganapathi Subramanian.P.,
Advocate.

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

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

PRAYER :-

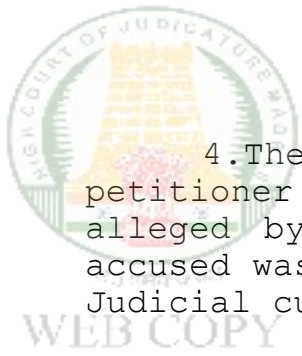
For Anticipatory Bail in the Crime No.461 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1)(a), 4(g) r/w Section 4(1-A) of Tamil Nadu Prohibition Act, Sections 269 and 270 of I.P.C., and Section 51(b) of the Disaster Management Act, 2005, in Crime No.461 of 2021 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner along with accused No.1 have possessed 5 liters of illicit arrack and prepared 250 liters of illicit arrack in the backyard of first accused's house. Hence, the complaint.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the first accused was arrested by the respondent police and later, remanded to Judicial custody.

5.The learned Additional Public Prosecutor, on instructions, would submit that the petitioner is not having previous case of similar nature and the property has been recovered from the first accused.

6.Considering the facts and circumstances of the case and the fact that the petitioner is not having previous case of similar nature and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.II, Pudukkottai, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate 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 petitioner shall report before the respondent police as and when required for interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2021

WEB COPY

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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 NO.II,
PUDUKKOTTAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
PUDUKKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7075 of 2021
Date :26/05/2021

RMI
SRS/VR/SAR-I/01.06.2021/3P/5C