



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

Date : 04/06/2021

PRESENT

The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.7054 of 2021

1.Nagaraj
2.Subramani

... Petitioners/Accused
No.2 and 3

Vs

The State through
The Inspector of Police,
Prohibition and Enforcement Wing,
Pudukkottai.
Crime No.460 of 2021.

... Respondent/Complainant

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

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

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

PRAYER :-

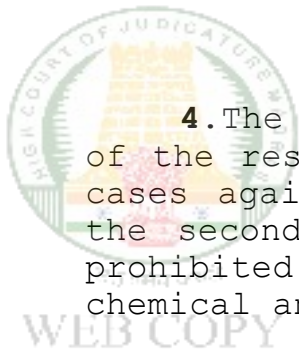
For Anticipatory Bail in Crime No.460 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A3 respectively, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1)(b), 4(1)(g) r/w 4(1-A) of Tamil Nadu Prohibition Act, Sections 269 and 270 of IPC and Section 51(b) of the Disaster Management Act, 2005, in Crime No.460 of 2021 on the file of the respondent police, and seek anticipatory bail.

2.The case of the prosecution is that the accused persons possessed nearly 125 litres of illicit arrack and 2000 litres of alcohol soaking which is used for the preparation of illicit arrack.

3.The learned counsel for the petitioners would submit that he is not pressing for the first accused and this Court may consider the grant of anticipatory bail for the second petitioner.



4.The learned Additional Public Prosecutor, appearing on behalf of the respondent police submitted that there are ten previous cases against the first petitioner and two previous cases against the second petitioner. It was further submitted that the entire prohibited substance has been seized and sample has been sent for chemical analysis.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

6. Taking into consideration the facts and circumstances of the case, the anticipatory bail petition is dismissed insofar as the first petitioner is concerned as not pressed. Insofar as the second petitioner is concerned, this Court is inclined to grant anticipatory bail on certain conditions.

7.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds 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 No.II, Pudukkottai, and execute fresh personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each 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 bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the second petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

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

[d]the second 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 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 229A IPC.

sd/-
04/06/2021

/ TRUE COPY /

WEB 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 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.7054 of 2021
Date :04/06/2021

RMI
TK/PN/SAR.3/10.06.2021/3P/5C