



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.7100 of 2021

AntonyRaj .. Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
(Crime No.104/2021)

.. Respondent/Complainant

For Petitioner : Mr.S.Sarvagan Prabhu
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.104 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 offences punishable under sections 4(1)
(g), 4(1-A) of Tamil Nadu Prohibition Act, on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.05.2021, when
the respondent police was on regular check up, they found the
petitioner along with the first accused in preparation of illicit
liquor in the agriculture field of the first accused. The first
accused was arrested, whereas the petitioner/the second accused
escaped. Hence, this complaint.

3.Heard both sides.

4.The learned counsel appearing for the petitioner
submitted that when the petitioner approached the respondent police
for anticipatory bail, the first accused and there was an altercation in the



police station, due to which, the respondent police have foisted this false case against him. The petitioner is having no bad antecedent and no previous case. Hence, he would pray to grant Anticipatory Bail to the petitioner.

5.The learned Additional Public Prosecutor submits that totally two accused persons involved in this case. The petitioner is A2. A1 was arrested. No previous case is pending against the petitioner herein. Both the accused are found in preparation of illicit liquor in the agriculture field of the first accused during this COVID-19 pandemic. Therefore, he strongly objected to grant Anticipatory Bail to the petitioner.

6.Considering the facts and circumstances of the case, taking into account that the petitioner has no 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, Srivaikundam, Tuticorin District, 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 like sum 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



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2021

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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,
SRIVAİKUNDAM, TUTICORIN DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-3754[I] dated 27/05/2021)

ORDER
IN
CRL OP(MD) No.7100 of 2021
Date :26/05/2021

VRN
JM/VR/SAR IV/31.05.2021/3P/6C