



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7089 of 2021

1.Udaiyar
2.Suryamoorthy

.. Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
(Crime No.204/2021)

.. Respondent/Complainant

For Petitioner : Mr.Balasubramanian.S,
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.204 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 sections 4(1), (A), 4(1) (g), 4(1) (b) of Tamil Nadu Prohibition Enforcement Act, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.05.2021, at about 4.00 am, based on the secret information received over phone, the respondent police recovered 3 liter liquor from the accused 1 & 2.

3.Heard both sides.

4.The learned counsel appearing for the petitioners submitted that the petitioners are law abiding citizens and they are ready to furnish solvent sureties in the event of enlarging them on bail.



5.The learned Additional Public Prosecutor submits that the first accused is having eight previous cases and no case is pending against the second petitioner.

6.Considering the facts and circumstances of the case and also considering the submission of the learned Additional Public Prosecutor that eight previous cases are pending against the first accused and no previous case is pending against the second accused 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 second 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 second petitioner alone on certain conditions. As far as the first petitioner/first accused is concerned, this Criminal Original Petition is dismissed.

7.The second petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.IV, Palayamkottai, Tirunelveli 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 second petitioner shall report before the respondent police 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]**.



[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 NO.IV,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7089 of 2021
Date :26/05/2021

VRN
JM/VR/SAR IV/31.05.2021/3P/5C