



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.7202 of 2021

Chelladurai

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Peravurni Police Station,
Thanjavur District.
(Crime No.305 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

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

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

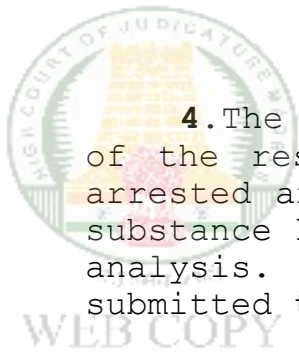
PRAYER :- For anticipatory bail in crime no.305/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aa), 4(1)(b), 4(1)(g) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.305 of 2021 on the file of the respondent police, and seek anticipatory bail.

2.The case of the prosecution is that the accused persons were found in possession of 1 ½ litres of illicit arrack and 100 litres of alcohol soaking which is used for manufacture of illicit arrack.

3.The learned counsel for the petitioner would submit that there are totally two accused persons in this case and the petitioner is ranked as A2. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and hence, he seeks anticipatory bail.



4.The learned Additional Public Prosecutor, appearing on behalf of the respondent police, on instructions, submitted that A1 was arrested and remanded to judicial custody and the entire prohibited substance has been seized and the sample has been sent for chemical analysis. The learned Additional Public Prosecutor further submitted that there are no previous cases against the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the 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.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Pattukottai, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five 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 petitioner shall report before the respondent police on every Monday at 10.30 a.m., for a period of four 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, PATTUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PERAVURNI POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7202 of 2021
Date :04/06/2021

RMI
MS/PN/SAR-1/10.06.2021/3P.5C