



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2021

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PRESENT

The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.7285 of 2021

1. Muthukrishnan
2. Muthukumar
3. Manikandan

... Petitioners/Accused No.1to3

Vs

The State rep. by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Crime No.87/2021.

... Respondent/Complainant

For Petitioners: Mr.Muthumalai Raja.S.,
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 Crime No. 87 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 offence punishable under Sections 4(1)(b) and 4(1)(A) of the Tamil Nadu Prohibition Act in Crime No.87 of 2021, on the file of the respondent police, have filed the present anticipatory bail petition.

2. The case of the prosecution is that the petitioners were found in possession of five litres of illicit arrack and twenty litres of alcohol soaking.

3. The learned counsel appearing for the petitioners submitted that a false case has been foisted against the petitioners and they have nothing to do with the alleged offence.



4. The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that the entire illicit arrack and alcohol soaking have been seized from the petitioners. He would further submit that there are five previous cases pending against the first petitioner and three previous cases pending against the third petitioner and these cases are under I.P.C., offences. The learned Additional Public Prosecutor further submitted that there is no previous case against the second petitioner.

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

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

7. Accordingly, the petitioners are 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] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Nanguneri, Tirunelveli District and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each 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:

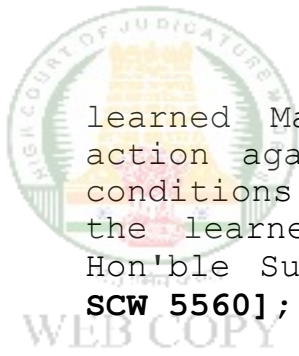
[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners 1 and 3 alone shall report before the respondent police every Friday at 11.00 A.M. for a period of eight (08) weeks and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent Police as and when required for interrogation;

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

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

07/06/2021

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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,
NANGUNERI,
TIRUNELVELI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7285 of 2021

Date :07/06/2021

TSG

SRS/VR/SAR-IV/14.06.2021/3P/5C