



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2021

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.7543 of 2021

1. Chinnakaruppan Karuppaiya
2. Somasundaram Chinnakaruppan

... Petitioners/Accused
Rank Not Known

Vs

State Rep. by
The Inspector of Police,
Puthanatham Police Station,
Trichy District.
(Crime No. Not Known)

... Respondent/Complainant

For Petitioners : Mr.Ramsundarvijayaraj.S,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Counsel (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 165 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.165 of 2021 on the file of the respondent police, and seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Counsel(Crl.side) for the respondent police.

3. The learned Government Counsel(Crl.side) for the respondent submitted that the first petitioner is involved in three previous cases that are similar in nature. The second petitioner is not having any previous case.



4. Therefore, while declining to grant relief for the first petitioner, anticipatory bail is granted to the second petitioner on certain conditions.

5. 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.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 second petitioner shall appear before the learned Judicial Magistrate, Manapparai, 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 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]**; and

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

6. This Criminal Original Petition is dismissed insofar as the first petitioner is concerned. This Criminal Original Petition is allowed as regards the second petitioner.

Sd/-

10/06/2021

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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, MANAPPARAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.7543 of 2021

Date : 10/06/2021

VB VR SAR IV(15/06/2021) 3P / 5c