



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2021

WEB COPY

PRESENT

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

CRL OP(MD) . No.7577 of 2021

1. Rajendran
2. Shanmugam
3. Kanagaraj

... Petitioners/Accused Nos. 1 to 3

Vs

The State represented by
Inspector of Police,
Valanadu Police Station,
Trichy District.
Crime No.146/2021.

... Respondent/Complainant

For Petitioners : Mr.Pitchai Muthu.M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 146/2021 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) r/w 4(1-A) of Tamil Nadu Prohibition Act, and Section 269 of IPC, in Crime No.146 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 third petitioner is involved in seven previous cases. The first and second petitioners are not having any previous case.



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

5. Accordingly, the petitioners 1 & 2 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] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners 1 & 2 shall appear before the learned Judicial Magistrate, Manapparai, Trichy 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 & 2 shall report before the respondent police as and when required for interrogation;

[c] the petitioners 1 & 2 shall not abscond either during investigation or trial;

[d] the petitioners 1 & 2 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 1 & 2 in accordance with law as if the conditions have been imposed and the petitioners 1 & 2 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 third petitioner is concerned. This Criminal Original Petition is allowed as regards the petitioners 1 & 2.

Sd/-

10/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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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,
VALANADU POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7577 of 2021

Date : 10/06/2021

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