



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/06/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.7675 of 2021

WEB COPY

Udaiyar

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.Balasubramanian
Advocate.

For Respondent : Mr.S.Kottai Chamy
Government Advocate (Crl.Side)

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 petitioner, who apprehends 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, in Crime No.204 of 2021, on the file of the respondent police,
seeks anticipatory bail.

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

3.Heard both sides.

4.The learned counsel appearing for the petitioner submitted
that the petitioner is law abiding citizen and he is ready to
furnish solvent sureties in the event of enlarging them on bail. He
further submitted that this Court had granted anticipatory bail the
co-accused in Crl.O.P(MD).No.7089 of 2021 dated 26.05.2021. Hence,
he seeks anticipatory bail.

5.The learned Government Advocate (Crl.Side) would submit that
this is the second anticipatory bail petition and the petitioner
herein is arrayed as A1. He would further submitted that there are
four previous cases pending against the petitioner. He further



submitted that the this Court had granted anticipatory bail to the co-accused.

6.Considering the facts and circumstances of the case and also the facts that the co-accused were already granted anticipatory bail and that the petitioner is not having any previous case for similar offence and also considering the impact of COVID-19 pandemic situation and the consequent effect not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of general public at large. Hence, 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 or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Palayamkottai, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 learned Magistrate concerned and on further condition that:

(i) 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.

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

21/06/2021

/ TRUE 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 NO.IV,
PALAYAMKOTTAI.
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.7675 of 2021

Date : 21/06/2021

VB/AKM/SAR.II/28.06.2021/3P/5C