



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

Date : 15.07.2021

PRESENT

The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP (MD) . No.8597 of 2021

Vellaisamy

.. Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Prohibition and Enforcement Wing,
Pudukkottai.
(Crime No.457 of 2021).

.. Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian, Advocate
For Respondent : Mr.T.Senthil Kumar
Government Advocate (Crl.side)

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

PRAYER :-

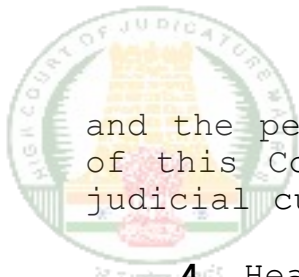
For Anticipatory Bail in Crime No.457 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The earlier anticipatory bail petition filed by the petitioner was dismissed as withdrawn on 04.06.2021. At the time of hearing the said anticipatory bail petition, the learned Additional Public Prosecutor based on the instructions given by the respondent police submitted that there are 10 previous cases pending against the petitioner. This Court therefore expressed its mind that it is not inclined to grant anticipatory bail and accordingly the petition was withdrawn.

2. When the matter was taken up for hearing today, it was submitted by the learned Additional Public Prosecutor that such a submission was made due to wrong instructions given by the respondent police. He further submitted that there are no previous cases pending against the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>
3. The case of the prosecution is that the accused persons were in possession of 55 litres of illicit arrack and 2000 litres of Alcohol socking. There are totally two accused persons in this case



and the petitioner is arrayed as A-1. It was brought to the notice of this Court that A-2 has already been arrested and remanded on judicial custody and later was enlarged on bail.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

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

6. 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.II, Pudukkottai, 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 likesum 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:

[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 as and when required for interrogation;

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

[d]the 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/-
15/07/2021

/ TRUE COPY /

/ /2021



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.II
PUDUKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
PUDUKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8597 of 2021
Date :15/07/2021

PJL
USK/JC/SAR-II : 19/07/2021 : 3P/5C