



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.07.2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) . No.8594 of 2021

Nagaraj

.. Petitioner/Accused No.2

Vs

The State through
The Inspector of Police,
Prohibition and Enforcement Wing,
Pudukkottai.

In Crime No.460 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

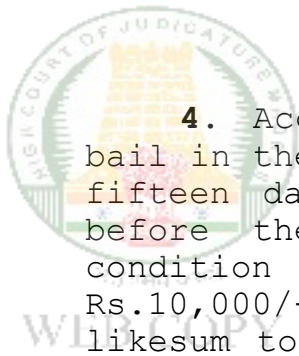
PRAYER :-For Anticipatory Bail in Crime No.460 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The earlier anticipatory bail petition filed by the petitioner was dismissed by this Court after recording the submissions of the learned Additional Public Prosecutor to the effect that there are 10 previous case pending against the petitioner.

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.

3. Taking into consideration the facts and circumstances of the case and also the fact that this Court has granted anticipatory bail to A-3, this Court is inclined to grant anticipatory bail to the petitioner.



4. 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

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.II,
PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
PUDUKKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8594 of 2021

Date :15/07/2021

PJL

MK/JC/SAR.IV/19.07.2021/3P/5C