



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7697 of 2021

1. Anandaraj
2. Karthikeyan ... Petitioners/Accused No.2 & 4

Vs

State Rep. by
The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.
Crime No.219/2021. ... Respondent/Complainant

For Petitioner : Mr.Arun Kumar.K.G,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in crime No.219 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(a) 4(1-A) of the Tamil Nadu Prohibition Act and Section 270 IPC and Section 51(b) of the Disaster management Act, 2005 in Crime No.219 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 06.06.2021, at about 15 hours, when the Police party was engaged in banthopasth due to the 144 Cr.P.C., prohibitory order issued, they found that vehicle bearing registration No.TN 55 BF 5780 was coming from Ponnamaravathi Gandhi Statue to Valayapatti Road near Ponnamaravathi Malayandi Kovil Oorani Thenkarai and stopped the said vehicle and searched, in which it was found 40 brandy bottles, each containing 180 ml liquor. Hence, the present case came to be registered and the above said vehicle was driven by one Suresh and he was arrested.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that A1 in this case was arrested and released on bail and hence, he seeks anticipatory bail to the petitioner.

WEB COPY

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the petitioner and other accused were involved in illegal transportation of 40 brandy bottles, each containing 180 ml liquor. He would further submit that the investigation in this case is pending.

5.It is seen from the submission that both the vehicle and liquor bottles were seized and A1 was arrested and released on bail. Considering the above facts and circumstances and also the fact that witnesses in this case are almost official witnesses and material part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumayam, Pudukkottai District, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition that:

[a] the petitioners and 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;

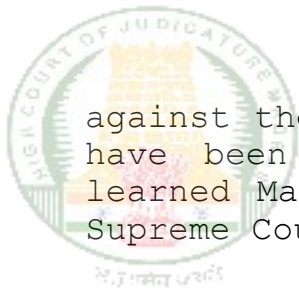
[b]the petitioners shall make a non-refundable deposit for a sum of **Rs.10,000/- (Rupees Ten Thousand only)each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Thirumayam, Pudukkottai;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned <https://hservices.courts.gov.in/hservices/> Magistrate/Judge Court is entitled to take appropriate action



against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**;

[g] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/06/2021

/ 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,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7697 of 2021
Date :14/06/2021

gns
JM/PN/SAR II/16.06.2021/3P/6C