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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7773 of 2021

P. Suresh

... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Mannachanallur Police Station,
Trichy District.
Crime No.290/2021.

... Respondent/Complainant

For Petitioner : Mr.T. Lenin Kumar,
Advocate.

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

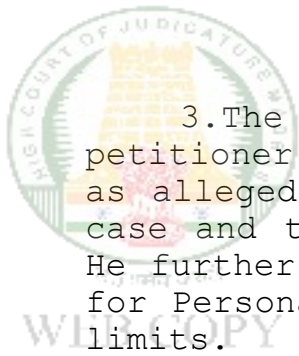
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.290 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 alleged offences punishable under Sections 4(1)(a), 4(1)(i) r/w. 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2.The case of the prosecution is that on 28.05.2021, when the police was engaged in preventing the offence relating to the Prohibition Act, at about 15.30 hours, near Malaiyalakottam, Ayyampalayam, they found three persons in two two wheelers. On seeing the police, one person, who is the petitioner herein, escaped from the place and the police apprehended one Nallasivam and Amutha. The police found 8 Beer bottles, 4 Brandy bottles and a cash of Rs.14,740/- by selling the liquor. Therefore, this case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he is falsely implicated in this case and the other accused viz., A1 and A2 were released on bail. He further submitted that as per the Tamil Nadu Liquor (Possession for Personal Consumption) Rules, the petitioner was well within the limits.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioner herein arrayed as A3. He would further submit that A1 and A2 in this case were already arrested and released on bail.

5.Considering the facts and circumstances of the case and the fact that the co-accused/ A1 and A2 were arrested and released on bail and also the fact that the accused in this case were well within the legal limits of possession of liquor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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.III, Trichy, 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:

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

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond 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 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



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

sd/-
28/06/2021

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/ /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.III, TRICHY.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MANNACHANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7773 of 2021
Date :28/06/2021

LS
AE/JC/SAR-III/30.06.2021/3P/5C