



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

Date : 17/06/2021

PRESENT

WEB COPY

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

**CRL OP(MD)No.7857 of 2021**

Pavundurai

... Petitioner/Accused No.4

Vs

State Rep.by  
The Inspector of Police,  
Vallam Police Station,  
Thanjavur District.  
Crime No. 261 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Arunprasad,  
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.261 of 2021 on the file of the Respondent Police.

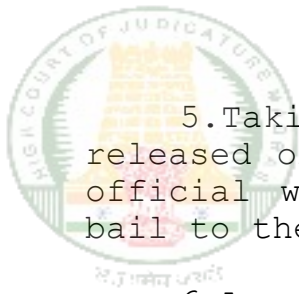
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(g), 4(1)(a), 4(1-A) TNP Act in Crime No.261 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 26.05.2021, at about 07.00 am., on secret information, the defacto complainant and other police party conducted search. At that time, the petitioner and other accused said to have in illegal possession of 75 liters of wash to prepare illicit arrack. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that the investigation is not completed. However, he conceded that A1, A2 and A3 in this case were arrested and released on bail.



5. Taking note of the fact that A1, A2 and A5 were arrested and released on bail and the also the fact that material witnesses are official witnesses, 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 Court No.II, Thanjavur, 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 make a non-refundable deposit for a sum of **Rs.10,000/- (Rupees Ten Thousand only) 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court No.II, Thanjavur;

[c] the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-  
27/06/2021

/ 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.II,  
THANJAVUR.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,  
VALLAM POLICE STATION, THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

ORDER

IN

CRL OP(MD) No.7857 of 2021

Date :27/06/2021

GNS

AE/VR/SAR-III/23.06.2021/3P/6C