



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

Date : 17/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) Nos.7916 & 7929 of 2021

1.Rajenthiran

...Petitioner/Sole Accused
(in Crl.O.P. (MD) No.7916 of 2021)

2.Gunasekar @ Gunasekaran

...Petitioner/Sole Accused
(in Crl.O.P. (MD) No.7929 of 2021)

Vs

The State rep. by
The Inspector of Police,
PEW, Pudukottai,
Pudukottai District.

... Respondent/Complainant
(in both the petitions)

Crime No.467 of 2021.

(in CRL OP(MD) No.7916/2021)

Crime No.468 of 2021.

(in CRL OP(MD) No.7929/2021)

For Petitioners : Mr.Poornachandran S,
(in both Crl.OPs.) Advocate.
For Respondent : Mr.M.Muthumanikkam,
(in both Crl.OPs.) Government Advocate (Criminal Side)

PETITIONS FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.467 & 468 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(a), 4(1)(g), 4(1-A) of the Tamil Nadu Prohibition Act and Section 269 and 270 IPC and Section 51(b) of the Disaster Management Act, 2005 in Crime Nos.467 & 468 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 27.05.2021, when the police party involved in checkup related to prohibitory offence, they found near Rajapatti Ayyakulakarai 350 liters wash and 40 liters of illicit liquor in two 20 liter plastic pots. On enquiry it was found that the accused was mainly responsible for the preparation of illicit liquor. After completing formalities, this case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. In fact, similar allegations made in both FIRs and it is alleged in Cr.No.468 of 2021 that on 27.05.2021, the police party found near Rajapatti Ayyakulakarai 30 liters of illicit liquor in two 15 liter plastic pots and on enquiry, it was found that the petitioner in Crl.O.P.(MD)No.7929 of 2021 is the person responsible for the preparation of illicit liquor. He further submitted that except the names of the accused and the quantity of the illicit arrack, other particulars in both the FIRs are one and the same and therefore, it gives rise suspicion with regard to the genuineness of the case.

4.The learned Government Advocate(Criminal side) appearing for the respondent police submitted that investigation is pending.

5.The fact that the allegations made in both FIRs are one and the same and there is no explanation for the same, which causes suspicion in the genuineness of the case of the prosecution. However, it is too early to throw out the case of the prosecution. For this reason and the reason that material witnesses are police officials and material part of the investigation is completed, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Pudukottai on condition that the petitioner shall execute 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 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 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.25,000/- **(Rupees Twenty Five 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Uthamapalayam;**

[c]the petitioners shall report before respondent police daily at 10.30 am., 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 Magistrate/Trial 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/06/2021

/ 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, PUDUKOTTAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PEW. PUDUKOTTAI, PUDUKOTTAI 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) Nos.7916&7929/2021
Date :17/06/2021

GNS

SRS/MNR/SAR-III/23.06.2021/3P/6C

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