



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7994 of 2021

1. Muniyappan (Travels Muniyappan)
S/o.Perumal Gounder
 2. Lakshmanan @ Suresh
 3. Muniyappan (Mike Set Muniyappan)
S/o.Veeramalai
- ... Petitioners/Accused No.2to4

Vs

The State rep. by
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
Crime No.291/2021.

... Respondent/Complainant

For Petitioners: Mr.AN.Ramanathan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 291 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(b), 4(1)(g), 4(1-A) of TNP Act in Crime No.291 of 2021, seek anticipatory bail.

2. The case of the prosecution is that when the respondent conducted search on 06.03.2021 they got information that four persons engaged in preparation of illicit arrack on the back side of



house of Muniyappan. At about 12.00 hrs they found the accused persons preparing illicit arrack and the police found 25 litres of fermented wash. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate(Criminal Side) opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that no previous case of similar nature is pending against the petitioners.

5. Considering the facts and circumstances of the case and the fact that no previous case of similar nature is pending against the petitioners and also the fact that the witnesses are only official witnesses, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

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, Manaparai, Trichy District, 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:

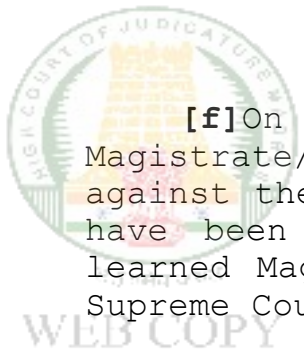
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners are directed to deposit 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), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c]the petitioners shall report before 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 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/-
18/06/2021

/ 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,
MANAPPARAI, TRICHY DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VAIYAMPATTY POLICE STATION,
TRICHY 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.7994 of 2021
Date :18/06/2021

AAV
SRS/PN/SAR-II/23.06.2021/3P/6C

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