



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

Date : 21/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8049 of 2021

Rajakumar @ Rajkumar

... Petitioner/Accused No.2

Vs

State rep.by,
The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
Cr.No.245 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

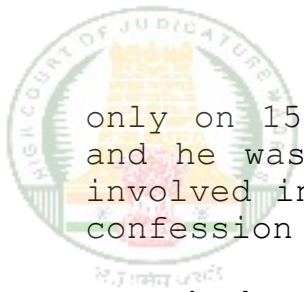
PRAYER :-For Anticipatory Bail in Cr.No.245 of 2021 on the file of the respondent police.

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) r/w 4(1-A) TNP Act in Crime No.245 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 07.06.2021, at about 07.00 am., when the police was engaged in prevention of prohibition offences, they found a person walking in Namakkal to Trichy Road from west to east with yellow color bag. On enquiry, he revealed his name as Mahesh. On search, it was found that the bag contained 5 liter white bottle, in which three liter illicit arrack was found. On enquiry, it came to know that he bought the illicit arrack from Rajkumar. 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. In fact, the petitioner was arrested on 05.06.2021, in connection with crime No.194 of 2021 and got bail and released



only on 15.06.2021. The present case was registered on 07.06.2021 and he was not present and there is no possibility for him to be involved in this case and he is implicated in this case only on the confession statement of co-accused.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5.Taking note of the fact that the petitioner was in custody from 05.06.2021 till he was released on bail, on 15.06.2021, there is suspicion with regard to the involvement of this petitioner in this case in crime No.245 of 2021. Giving this benefit of doubt for grant of anticipatory bail to the petitioner, 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, Musiri, 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 respondent police daily at 10.30 am., 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

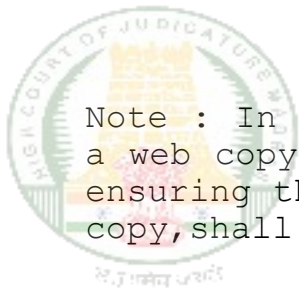
sd/-

21/06/2021

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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

WEB COPY

1. THE JUDICIAL MAGISTRATE, MUSIRI,
TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, MUSIRI,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8049 of 2021

Date : 21/06/2021

GNS

PK/MNR/SAR-III/24.06.2021 : 3P/5C