



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

Date : 02/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8719 of 2021

Paramasivan @ Koomuttai Paramasivan ... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No. 152 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
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.152 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)(i), 4(1-A) and 4(1)(g) of Tamil Nadu Prohibition Act, 1937 in Crime No.152 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that, on prior information, on 08.06.2021, at about 08.30 am, the defacto complainant and the police party found at Manakkarai Raja Garden, four persons engaged in preparing illicit liquor. On seeing the police party, one Paramasivan son of Ramakrishnan had escaped from there. There, the Police found four litres of illicit liquor. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case and therefore, he seeks anticipatory bail to the petitioner.



4. The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5. Considering the fact that the witnesses in this case are mostly official witnesses and that the liquor and materials were also seized by the Police, 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 No.III, Tirunelveli District 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks 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 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/-
02/07/2021

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

COPY TO: THE OFFICER IN-CHARGE,
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MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023

ORDER
IN
CRL OP(MD) No.8719 of 2021
Date :02/07/2021

MBI
PK/AKM/SAR-III/08.07.2021 : 3P/6C