



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

Date : 07/07/2021

PRESENT

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

CRL OP(MD). No.8905 of 2021

Thirumoorthy

... Petitioner/1<sup>st</sup> Accused

Vs

State Rep.by  
The Inspector of Police,  
Thuraiyur Police Station,  
Trichy District.  
(Crime.No.446 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar, 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.446 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), 24 of the Tamilnadu Prohibition Act in Crime No.446 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on information that illegal sale of liquor has been taking place, during lock-down period, in TASMAL shop No.10330, Police party visited there on 03.07.2021 at about 05.20 pm. They found the accused in this case had been selling 06 bottles of Royal Paradise, each containing 180 ml liquor, 43 bottles of accord, each containing 180 ml liquor, one bottle of La Mattine containing 180 ml and 8 bottles of kolt beer, when the sale was prohibited during corona period. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. It is his further submission that the above said shop was managed by A2 and the petitioner was not aware of the sale. Therefore, he seeks anticipatory bail to the



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

5.Considering the fact that the co-accused were arrested and released on bail and the fact that all the liquor bottles had been seized and also the fact that material witnesses are official witnesses and hence custodial interrogation of the petitioner is not necessary, 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, Thuraiyur 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 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/-

07/07/2021

/ TRUE COPY /

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

COPY TO:

THE OFFICER INCHARGE,  
ADVOCATE CLERK'S WELFARE ASSOCIATION,  
MADURAI-625 023.

ORDER

IN

CRL OP(MD) No.8905 of 2021

Date :07/07/2021

GNS

MS/VR/SAR-2/12.07.2021/3P.6C