



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

Date : 05/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9520 of 2021

Anand @ Snehalal,
S/o. Srinivasan,
Kailasam, Chittakode,
Maranad Post, Ezhukone,
Kollam, Kerala State.

... Petitioner/Accused

Vs

The Inspector of Police,
PEW Police Station,
Karur, Karur District
Crime No.314 of 2018).

... Respondent/Complainant

For Petitioner : M/s. Viswanathan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.314 of 2018 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) and 4(1-A) of the Tamilnadu Prohibition Act, 1937 and
Sections 328, 468, 471, 473, 484, 486, 487, 120B r/w Section 34 IPC
in Crime No.314 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 22.02.2018, when the
Police party involved in vehicle inspection, they caught one
Thangavel, who was transporting 25 quarter bottles of brandy in a
sack by using his two wheeler bearing registration No.TN-47-M-4196.
On enquiry, he confessed that he along with other accused were
transporting and selling illicit liquor. Therefore,



the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case as per the confession statement of the first accused in this case. He further submitted that the petitioner, to show his bonofide, is prepared to deposit some amount to the credit of the Chief Minister's Public Relief Fund.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation in this case has been completed and charge sheet also filed in PRC.No.2 of 2021 before the learned Judicial Magistrate II, Karur.

5.Considering the nature of the offence and the fact that investigation in this case has been completed and charge sheet also filed in PRC.No.2 of 2021 before the learned Judicial Magistrate II, Karur, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court No.II, Karur.

6.On production of such receipt/acknowledgment, 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 Judicial Magistrate Court No.II, Karur, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the concerned Judicial Magistrate on all hearing without fail.

[c]the petitioner shall not tamper with the evidence or witness during trial.

[d]the petitioner shall not abscond during 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/-
05/08/2021

/ 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 Court No.II,
Karur.

2.Do-Through The Chief Judicial Magistrate Court,
Karur

3.The Inspector of Police,
Pew Police Station,
Karur,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.B.VISWANATHAN, Advocate (SR-25590[F] dated 09/08/2021)

ORDER
IN
CRL OP(MD) No.9520 of 2021

Date : 05/08/2021

CN(18.08.2021) 3P 6C