



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

Date : 05/08/2021

PRESENT

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The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.10091 of 2021

Ravichandran

... Petitioner/Accused-3

Vs

The State Rep. by,
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No. 145 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.Karthick,
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. 145 of 2021 on the file of
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 Section
4(1)(aaa) of the Tamil Nadu Prohibition Act in Crime No.145 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that on 03.04.2021, at about
14.30 hours, when the Police party was engaged in patrol duty
relating to Prohibition Act, they found that one Ramar was standing
behind the house of Ganesan. On seeing the Police party, the said
Ramar, who is the second accused in this case, tried to run away
from there and the Police apprehended him and found a white colour
sack which contained 1389 liquor bottles. On enquiry, it was
revealed that the first accused in this case got the bottles from
the petitioner herein, who is the Supervisor of TASMAL Shop
No.12017, in order to sell them on 04.04.2021, which is a holiday,
at a premium price, so as to gain profit. 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. 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.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition by stating that the earlier petition filed by the petitioner in Crl.O.P.(MD)No.7154 of 2021 was dismissed on 28.06.2021 and there is no change in circumstances.

5.Considering the facts and circumstances f the case and the nature of allegation levelled against the petitioner, 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.30,000/-(Rupees Thirty Thousand only) to the credit of 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 learned Judicial Magistrate No.II, Srivilliputhur.

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 learned Judicial Magistrate No.II, Srivilliputhur, 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 respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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/-
05/08/2021

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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.II,
SRIVILLIPUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
GOVERNMENT OF TAMIL NADU, SECRETARIAT BRANCH,
CHENNAI-9.

ORDER IN
CRL OP(MD) No.10091 of 2021
Date :05/08/2021

gns
USK/VR/SAR-III : 18/08/2021 : 4P/6C

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