



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

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PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP (MD)Nos.11559 and 11784 of 2021

Periyasamy,

... Petitioner/Accused  
in CRL OP (MD)No.11559 of 2021

1. P.Malaichamy,

2. A.Reegan,

... Petitioners/Accused in  
CRL OP (MD) . No.11784 of 2021

Vs

State rep by  
The Inspector of Police,  
Pamban Police Station,  
(Cr.No. 94/2021)  
Ramanathapuram District.

... Respondent/Complainant  
in both case

For Petitioner : Mr.Subash Babu.M,  
Advocate.in Crl OP(MD)11559 of 2021

For Petitioner : Mr.Selvam .T  
Advocate in Crl OP(MD)11784 of 2021

For Respondent : Mr.T.Senthilkumar  
Government Advocate (Criminal Side)  
in both cases

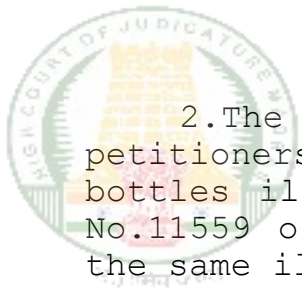
PETITIONs FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.94 of 2021 on the file of the  
Respondent police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offence punishable under Sections  
4 (1)(aaa) and 24 of the Tamil Nadu Prohibition Act in  
Crime No.94 of 2021, seek anticipatory bail.



2.The case of the prosecution is that accused 3 and 4 / the petitioners in Crl.OP(MD)No.11784 of 2021, purchased 2111 liquor bottles illegally from accused 2 / the petitioner in Crl.O.P(MD) No.11559 of 2021, who is a Supervisor in a TASMAL outlet and sold the same illegally. Hence, the present case came to be registered.

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3.The learned counsel for the petitioners submits that the petitioners have not indulged in any offence as alleged by the prosecution and they are innocents, but they were implicated in this case. These are second anticipatory bail petitions. However, the petitioners to show their *bona fide*, have come forward to pay a sum of Rs.25,000/- each to the credit of Chief Minister's Public Relief Fund. Further, they are also prepared to file an undertaking affidavit before the trial Court and the respondent police that they would not indulge in such activities in future.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted the earlier bail applications of the petitioners were dismissed on the ground that they are having previous cases. Therefore, he has opposed grant of anticipatory bail.

5.Considering the nature of allegations levelled against the petitioners, the fact that the petitioners in order to show their *bona fide*, have come forward to pay a sum of Rs.25,000/- each to the credit of Chief Minister's Public Relief Fund and their undertaking that they would not indulge in any such activities in future, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, these criminal original petitions are allowed on condition that the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Rameswaram.

6.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram. on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.



[b]the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judge/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/-  
24/08/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

dsk

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

<https://hcservices.ecourts.gov.in/hcservices/>



COPY TO  
THE OFFICER INCHARGE,  
THE CHIEF MINISTER PUBLIC RELIEF FUND,  
GOVERNMENT OF TAMIL NADU  
SECRETARIAT,  
CHENNAI -9.

+1 CC to M/s.M.SUBASH BABU, Advocate ( SR-5730[I] dated 26/08/2021 )

ORDER  
IN  
CRL OP (MD) Nos.11559  
and 11784 of 2021  
Date :24/08/2021

PKP/VR/SAR-1/07.09.2021/4P/7C