



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

Date : 24/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.11587 of 2021

Surendran.R,

... Petitioner/Accused No.2

Vs

State rep by

The Inspector of Police,

Devadanapatti Police Station,

Theni District.

Cr.No.477 of 2021.

... Respondent/Complainant

For Petitioner : M/s Vinoth.M, 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.477 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 offence punishable under Section 4 (1)(aaa) of the Tamil Nadu Prohibition Act, in Crime No.477 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the respondent police on a tip off inspected one Ravi's plaintain farm and found 180 bottles of honey grade brandy, 2210 bottles Adriel Dark rum and 540 bottles of golden black rum totalling to 2900 bottles possessed without any licence. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence, however, he has been falsely implicated in this case. Further the petitioner to show his *bonafide*, is prepared to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand) to the Chief Minister's Public Relief Fund.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted totally 2900 liquor bottles have been found in illegal possession and he has no bad antecedents.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the petitioner's willingness to pay a sum of Rs.25,000/- to the Chief Minister's Public Relief Fund [CMPRF] and the fact that he has no bad antecedent, 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.25,000/-(Rupees Twenty Five 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 learned Judicial Magistrate, Periyakulam .

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, Periyakulam, 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 as and when required.

[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.

WEB COPY

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, Periyakulam.
- 2.Do- Through The Chief Judicial Magistrate, Theni.
- 3.The Inspector of Police,
Devadanapatti Police Station, Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1 CC to M/s.M.VINOTH, Advocate (SR-5656[I] dated 25/08/2021)

ORDER
IN
CRL OP(MD) No.11587 of 2021
Date : 24/08/2021

TR/PN/SAR-II(27.08.2021) 3P 7C