



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11740 of 2021

Sureshkumar, ... Petitioner/Sole Accused
Vs

State Rep. by
The Inspector of Police,
Nadukaveri Police Station,
Nadukaveri, Thanjavur District.
[Cr.No. 212 of 2019] ... Respondent/Complainant

For Petitioner : M/s.Arunraj K,

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.212 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 Sections 4(1)(a) r/w 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.212 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent Police was on duty, the petitioner was found in possession of 15 bottles of 180 ML brandy without valid permit. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he is in no way connected with the alleged offence, however, he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted the petitioner was found in possession



of liquor bottles without valid permit.

5.It is seen from records that the case was registered in the year 2019 and till now the respondent police has not arrested the petitioner. Considering facts and circumstance of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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, Thiruvaiyaru, 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 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.

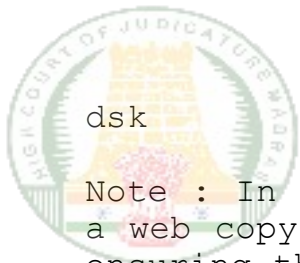
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter absconds, 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.



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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,
Thiruvaiyaru.
- 2.Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
- 3.The Inspector of Police,
Nadukaveri Police Station,
Nadukaveri,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No. 11740 of 2021

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TR/PN/SAR-II(27.08.2021) 3P 5C