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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12500 of 2021

C.N.Karuppasamy

... Petitioner/Accused No.1

Vs

The State of Tamil Nadu,
Rep. by its Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No.837 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.Ramasamy,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.837 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)(a) and 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.836 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 58 bottles of liquor. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is the owner of the bar attached with TASMAL Shop and he 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.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of 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.25,000/- (Rupees Twenty Five 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, Palani.

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, Palani, 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/-
06/09/2021

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/ /2021

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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,
PALANI.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

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

ORDER
IN
CRL OP(MD) No.12500 of 2021
Date :06/09/2021

PKP/JM/SAR-3/14.09.2021/3P/6C