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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.12529 of 2021

Sundar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
P.E.W. Police Station,
Thanjavur District.
(Crime No. 299 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Siddharthan M, Advocate

For Respondent : M/s.S.Ravi, Counsel for
Government of Tamilnadu (Crl.Side)

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

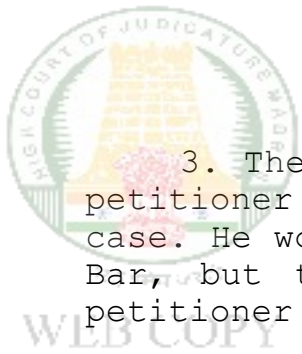
PRAYER :-

For Anticipatory Bail in Crime No.299 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is the owner of the Bar attached to TASMACH Shop No.8134 and A4 sold liquor bottles in front of the shop illegally and when police arrested and enquired, he informed them that A1 received liquor bottles from A2 - Supervisor of the TASMACH Shop for selling the same during Holidays and kept it in his bar and sold it through A4 and based on his confession police recovered 180 numbers of 650ml beer bottles, 432 numbers of 180ml Brandy bottles and 276 numbers of 180ml brandy bottles from his shop.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the bottles were not found in the Bar, but the same were taken only from the TASMACH Shop and the petitioner was not present in the place of occurrence.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein has sold liquor bottles illegally through A4.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the occurrence took place on 31.03.2020 and the petitioner was not present at the time of occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thanjavur on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft in favour of the Dean, Government Rajaji Hospital, Madurai, for improving the facilities to tackle COVID - 19 pandemic, and execute a bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 9.00 a.m. for a period of four weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
07/09/2021

/ TRUE COPY /

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

SJ

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.I,
THANJAVUR.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE
P.E.W. POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1. CC to M/S.SIDDHARTHAN M Advocate SR.No.6120

ORDER
IN
CRL OP(MD) No.12529 of 2021
Date :07/09/2021