



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.09.2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12945 of 2021

Mahesh @ Maheswaran ... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
PEW - Pattukkottai Police Station,
Thanjavur District.
(Crime No.895 of 2021) ... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayalan, Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.895 of 2021 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 alleged offence punishable under Sections 4 (1) (a) and 4(1-A) of TNP Act, in Crime No.895 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.08.2021, when the defacto complainant was on prohibition ride, the accused person was found in possession of 32 TASMAL liquor bottles (Each 180 ml). Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.5,000/- to the credit of Chief Minister's Public Relief Fund.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has been arrayed as accused on the confession of the A2 and that they were found in possession of 32 liquor bottles. He further submitted that there is



5.Considering the nature of the offence, the antecedents of the petitioner and his willingness to pay a sum of Rs.5,000/- to the credit of Chief Minister's Public Relief Fund, this Court is inclined to grant anticipatory bail to the petitioner.

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6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees 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, Pattukkottai, Thanjavur District.

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, Pattukkottai, Thanjavur District, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/09/2021

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



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,
PATTUKKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PEW-PATTUKOTTAI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1 CC to MR.S.DEENADHAYALAN, Advocate (SR-6308[I] dated 16/09/2021)

ORDER
IN
CRL OP(MD) No.12945 of 2021
Date :15/09/2021

TM
MK/VR/SAR.III/22.09.2021/3P/7C