



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

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.13793 of 2021

WEB COPY

1. Murugan

2. Sudharshan,

3. Sathiyaraj, ... Petitioners/Accused No.1,4&5

Vs

State Rep.by  
The Inspector of Police,  
Erwadi Dharga Police Station,  
Ramanathapuram District.  
(Crime No.171 of 2021)

... Respondent/Complainant

For Petitioner : M/s. Balamurugapandi.D,  
Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

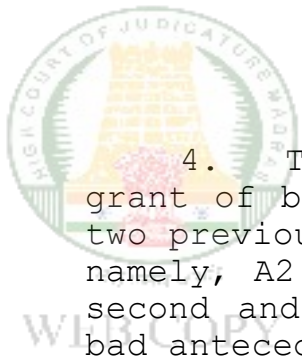
For Anticipatory bail in Crime No. 171 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A4 and A5, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Section 4(1)(A) of TNP Act, in Crime No.171 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 07.06.2021, when the respondent Police made a surprise patrol, they found that the petitioners along with other accused were in possession of 1000 liters of illicit toddy.

3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any such offence as alleged by the prosecution.



4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the first petitioner/A1 is having two previous cases. However, he fairly submits that the co-accused, namely, A2 and A3, who were arrested, were released on bail and the second and fourth petitioners herein/A4 and A5 are not having any bad antecedent.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners, the antecedent of the petitioners and also the fact the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioners with stringent condition.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners 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 first petitioner shall report before the respondent police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders. The second and third petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-  
17/09/2021

WEB COPY

/ TRUE COPY /

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

OGY

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 LEARNED JUDICIAL MAGISTRATE NO.II,  
RAMANATHAPURAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
ERWADI DHARGA POLICE STATION,  
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. BALAMURUGAPANDI.D Advocate SR.No.6363

ORDER  
IN  
CRL OP (MD) No.13793 of 2021  
Date :17/09/2021

RD/SKN/SAR-II (23.09.2021) 3P 6C