



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16199 of 2021

Sathiyamoorthy,

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Prohibition Enforcement Wing,
Thiruverambur,
Trichy District.
(Crime No.604 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Suresh M,
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.604 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 4(1)(a) r/w. 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.604 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 21 black barrel brandi bottles (each contains 180 ml.).

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner's brother is running a TASMAL Bar and due to rivalry, this false complaint has been lodged against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the petitioner is not having any previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. 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 No.III, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 a.m. 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 is 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.

sd/-
27/10/2021

/ 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 Judicial Magistrate No.III,
Trichy District.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Prohibition Enforcement Wing,
Thiruverambur,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.16199 of 2021
Date : 27/10/2021

TR/JM/SAR-I (01.11.2021) 3P 5C