



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16987 of 2021

WEB COPY

1.Ranjith
2.Poovendhiran @ Chandran ... Petitioners/Accused No.4,5

Vs

State Rep.by
The Sub Inspector of Police,
Jetty Police Station,
Rameswaram,
Ramanathapuram District.
(Crime No.229 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 :-

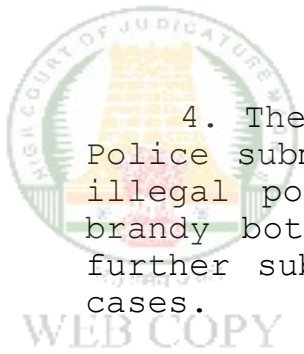
For Anticipatory Bail in Crime No.229 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Section 4
(1)(aaa) of Tamil Nadu Prohibition Act in Crime No.229 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that on 27.10.2021 at about
06.00 a.m., on secret information, the respondent Police checked the
TATA Indica Car bearing Registration No.TN-74-J-8661, which was
parked opposite to Masani Amman Temple, in which, there were five
members. On seeing the police officials, two persons escaped from
the occurrence place and the remaining three persons were caught
hold and were found in possession of 60 bottles of beer, 435 bottles
of 180 ml brandy bottles. Therefore, the present case came to be
registered.

3.The learned counsel for the petitioners submitted that
the petitioners are innocents and they have been falsely implicated
in this case.



4. The learned Government Advocate appearing for the respondent Police submitted that on 27.10.2021, the petitioners were found in illegal possession of 60 bottles of beer, 435 bottles of 180 ml brandy bottles and the investigation is yet to be completed. He further submitted that the first petitioner is having two previous cases.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the quantity of liquor bottles seized, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, Ramanathapuram District, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., and 05.30 p.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 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/11/2021

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/ /2021

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.

WEB COPY

- TO
- 1.THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE SUB INSPECTOR OF POLICE,
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1. CC to M/S.BALAMURUGAPANDI D Advocate SR.No.7855

ORDER
IN
CRL OP(MD) No.16987 of 2021
Date :02/11/2021

RS/VR/SAR1 (11.11.2021) 3P 6C