



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

Date : 03/12/2021

PRESENT

The Hon'ble Mr. Justice K.MURALI SHANKAR

CRL OP(MD). No.17494 of 2021

WEB COPY

1. GANESAN
2. MALAICHAMY

... PETITIONERS/ACCUSED NO.6,10

VS

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
JETTY POLICE STATION,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
(CRIME NO. 229 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.D.Balamurugapandi, Advocate.

For Respondent : Mr.S.S.Madhavan,
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.

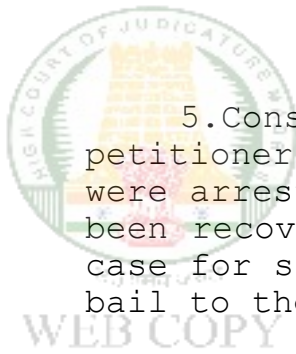
ORDER : The Court made the following order :-

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

2.The case of the prosecution is that the petitioners and other accused persons were found in illegal possession of 117.300 liters of TASMAL liquor. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. Co-accused were arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the investigation is not yet completed, that the co-accused were arrested and released on bail and that the petitioners are not having any previous case at their credit.



5.Considering the nature of charges levelled against the petitioners and also the facts that the co-accused viz., A4 & A5 were arrested and released on bail, that the properties have already been recovered and that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, 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, Rameshwaram, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent Police Station daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

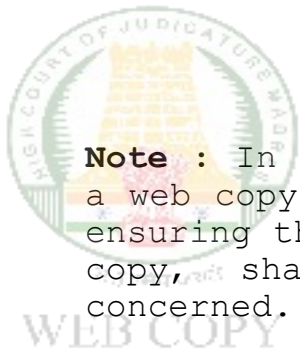
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

sd/-
03/12/2021

/ TRUE COPY /

/ /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.

TO

1. THE JUDICIAL MAGISTRATE,
RAMESHWARAM, 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.D.BALAMURUGAPANDI, Advocate (SR-8838[I] dated 03/12/2021)

ORDER
IN
CRL OP(MD) No.17494 of 2021
Date :03/12/2021

pnm
USK/VR/SAR-III/(09.12.2021) 3P-6C