



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

Date : 25/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18010 of 2021

Amsavalli

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Prohibition Enforcement Wing-Thanjavur,
Thanjavur District.
Cr.No.906 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.FAZIL KIRMANI,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.906 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 offences punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Cr.No.906 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons were found in possession of 20 numbers of liquor bottles. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner was implicated in the present case, based on the confession statement given by the second accused and he is innocent and a false case has been foisted against the petitioner for the statistical purpose. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is not yet completed and that he is having five previous cases at his credit.

5.In response, the learned counsel for the petitioner would submit that all the cases were registered against the petitioner only for the offence under Section 4(1)(a) TNP Act.



6.Considering the nature of charges levelled against the petitioner and also the fact that the second accused was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.II, Thanjavur, 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioner shall not tamper with 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/11/2021

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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 NO.II
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING-THANJAVUR,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18010 of 2021

Date :25/11/2021

SA/PN/SAR.3/30.11.2021/3P/5C