



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18216 of 2021

Sudalaikannu

... Petitioner/Accused No.2

Vs

The State represented by  
The Inspector of Police,  
Nanguneri Police Station,  
Tirunelveli District.  
In Crime No.381/2021

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi  
Advocate.

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.381 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 4(1A) of the Tamilnadu Prohibition Act, in Crime No.381 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.10.2021, the petitioner was found in illegal possession of 52 brandy bottles (180 ml) and 2 bottles of crushed Datura stramonium (Oomathankai). Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.



4. It is reported by the learned Government Advocate (Criminal Side) that the petitioner is having four previous cases. Out of four cases, two cases have already been closed and as on date only two cases are pending.

5. Taking into consideration of the facts and circumstances of the case and the nature of allegation against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner 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 Judicial Magistrate, Nanguneri 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-  
22/11/2021

/ TRUE COPY /

/ /2021

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

AM



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,  
NANGUNERI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
NANGUNERI POLICE STATION,  
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.18216 of 2021  
Date : 22/11/2021

VB/JM/SAR-IV/26.11.2021/3P/5C