



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

Date : 29/11/2021

PRESENT

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The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18647 of 2021

RANGASAMY

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PATTUKOTTAI,
THANJAVUR DISTRICT.
(CRIME NO. 993 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.A.Arunprasad,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 993 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 offences punishable under Sections 4(1)(a), 4(1)(k) and 4(1-A) of Tamil Nadu Prohibition Act, in Cr.No.993 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 14.09.2021, the respondent police found that the petitioner illegally sold the liquor in retail manner and on seeing the police, he escaped from the place of occurrence leaving 48 liquor bottles each containing 180ml liquor and the respondent police recovered the same. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is the sole accused, that the property was recovered and that the petitioner absconded from the scene of occurrence. He would further submit that the petitioner is having one previous case for the offence under Section 4(1)(k) of Tamil Nadu Prohibition Act.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the property has been recovered, that the petitioner is having one previous case registered for the alleged offence under Section 4(1)(k) of Tamil Nadu Prohibition Act and except the same, the petitioner is not having any previous cases for similar offences or for any other serious offences, as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his 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.III, 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 condition 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 10.30a.m., for 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/11/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
PATTUKOTTAI, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18647 of 2021
Date :29/11/2021

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USK/PN/SAR-IV/ (03.12.2021) 3P-5C