



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7377 of 2022

1 SEENIMURUGESAN @ MURUGESAN [PETITIONERS / ACCUSED]
2 SURESH @ SURESH KUMAR

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.
CR.NO.44 OF 2022.

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

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 Sections 4 (1)(a) & 4(1-A) of TN Prohibition Act in Crime No.44 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The respondent police has intercepted three persons moving suspiciously and on seeing the police, these two petitioners have fled from the scene of occurrence, whereas the third man Thanikodi had disclosed the identity of these two petitioners. In search of the 3rd man Thanikodi, resulted recovery of 10 litres of Pondicherry arrack in two polythene packets and 14 bottles of Seemens Brandy. He has further confessed that these contraband were procured to mix it with intoxicating substances and to sell it for higher price.

3. The learned Government Advocate (crl.side) states that these two petitioners are named accused in the First Information Report and having fled from the scene of occurrence on seeing the respondent police and grant of anticipatory bail will lead to their abscondence forever.



4. The learned counsel for the petitioner submits that these petitioners are law abiding citizens, they have no previous cases and they are ready to abide any condition.

5. Considering the submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District** on condition that each of the petitioners shall execute a separate bonds 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioners shall report before the Investigating Officer daily at 10.30 a.m., until further orders;**

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

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

(f) 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;



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

WEB COPY

-sd/-
30/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges SR.NO.4888

CRL OP.7377/2022

Date :30/03/2022

TA-04/04/2022