



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD.Nos.1069, 733 and 734 of 2022

Crl.O.P. (MD)No.1069 of 2022:

1.Hariprasath

2.Prabakaran

...Petitioners/Accused Nos.2 & 3

Vs

The State rep.by,
The Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur District.
(Crime No.09/2022).

... Respondent/Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.09 of 2022 on the file of the respondent police.

Crl.O.P. (MD)No.733 & 734 of 2022:

Karthikeyan

...Petitioner /Accused Rank Not Known
in Crl.O.P.(MD)No.733 of 2022

Thirukannan

...Petitioner /Accused Rank Not Known
in Crl.O.P.(MD)No.734 of 2022

Vs

The State rep.by,
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
(Crime No.09/2022).

... Respondent/Complainant

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

PRAYER :-For Anticipatory Bail in Crime No.09 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.M.Karunakaran
Advocate.

<https://hcservices.ecourts.gov.in/hcservices/> in Crl.O.P. (MD)No.733 & 1069 of 2022



For Petitioner : M/s.G.PORKODI, Advocate.
in Crl.O.P.(MD)No.734 of 2022
For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)
(in all the petitions)

ORDER : The Court made the following order :-

The petitioners/Accused No.2&3 in in Crl.O.P.(MD)No.1069 of 2022, were arrested on 06.01.2022 for the alleged offence under Sections 4(1)(aaa),4(1-A) of Tamilnadu Prohibition Act and Section 468 and 420 of IPC in Crime No.09 of 2022, on the file of the respondent police, seek bail.

2.The petitioners in Crl.O.P.(MD)Nos.733 and 734 of 2022, are apprehending arrest at the hands of the respondent for the offences punishable under Sections 4(1)(aaa),4(1-A) of Tamilnadu Prohibition Act and Section 468 and 420 of IPC in Crime No.09 of 2022, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the defacto complainant who is a Sub Inspector of Police gave a complaint before the respondent police against three persons alleging that the defacto complainant received a secret information regarding the sales of adulterated liquor illegally. Based on the information, the defacto complainant searched the occurrence place and seized the 1335 number of liquor bottles and arrested the petitioners and the first accused. Hence the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

5.The learned Government Advocate would submit that the first petitioner is having three previous cases in similar nature and the second petitioner is having one previous case in similar nature. The first accused has been granted regular bail by the learned Principal Sessions Judge, Thanjavur, in C.M.P.No.249 of 2022, imposing a condition upon the first accused to pay a sum of Rs.2,00,000/- as a non refundable amount, to the credit of "Patient Welfare Society, Thanjavur Medical College Hospital, Thanjavur".

6.It is submitted by the learned counsel for the petitioner that the above stated order has been complied with and the amount was also paid. The petitioners herein are the employees of the first accused.

7.However, considering the duration of custody underwent by the petitioners in Crl.O.P.(MD)No.1069 of 2022, and the fact that the main accused in this case has been released on bail, this Court is



2022, with stringent conditions. The petitioners have to file an undertaking affidavit that they will not indulge in such an illegal activities in future. If any case is registered after grant of bail by this Court, the relief of bail granted to the petitioners will automatically get cancelled.

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8. Accordingly, this Criminal Original Petition in Crl.O.P.(MD) No.1069 of 2022, is allowed and the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Thanjavur District, and on further condition that the petitioner shall report before the respondent police once in 15 days at 10.30 a.m. until further orders.

9. In Crl.O.P.(MD)Nos.733 and 734 of 2022, in view of the bail order passed by the learned Principal Sessions Judge, Thanjavur, on the first petitioner and the bail order passed by this Court, in Crl.O.P.(MD)No.1069 of 2022, granting relief to the petitioners/accused 2 and 3 and since no previous case is pending against the petitioners and also the fact that only on the basis of the confession statement of the co-accused the petitioners have been implicated in this case, this Court is inclined to grant anticipatory bail to the petitioners in Crl.O.P.(MD)Nos.733 and 734 of 2022.

10. Accordingly, Crl.O.P.(MD)Nos.733 and 734 of 2022 are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police once in 15 days at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioners in Crl.O.P.(MD)Nos.733 and 734 of 2022 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
02/02/2022

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/ /2022
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.2
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TMCH POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) Nos.1069, 733 and
734 of 2022
Date :02/02/2022

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MK/PN/SAR.I/03.02.2022/4P/6C