



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.3875 of 2022

P.Anantharaj : Petitioner/Accused No.3
Vs.

The State represented by
The Inspector of Police,
Srirangam Police Station,
Srirangam, Trichy.
Cr.No. 176/2022).

: Respondent/Complainant

For Petitioner : Mr.Balumahendran, G.
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.176 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
4(1)(aa) r/w 4(1-A), 4(1)(i) of Tamil Nadu Prohibition Act, in
Cr.No.176 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused were found in illegal possession of 96 Golden Choice
Brandy bottles, 240 Brandy Bottles and 34 Beer Bottles. Hence, the
complaint.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent and he has not committed any offence
as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for
the State would submit that the petitioner is having one previous
case for similar offence.

5.Considering the nature of the charges levelled against the
petitioner and also the facts that the petitioner is not having any
previous case for serious offence, this Court is inclined to grant
anticipatory bail to the petitioner, but with certain conditions.



6. Accordingly, the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Srirangam, Trichy.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Srirangam, Trichy, on condition that the petitioners 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 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 learned Magistrate 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 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 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/-

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

TO

1 JUDICIAL MAGISTRATE
SRIRANGAM TRICHY

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, SRIRANGAM, TRICHY.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3875 of 2022
Date :07/03/2022

SS/SBN/SAR:II/10.03.2022 : 3P/6C