



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.4508, 4450 and 4732 of 2022

Suresh ... Petitioner/Accused
Rank Not Known
in Cr1.O.P.(MD)No.4508 of 2022

S.Venkatachalam ... Petitioner/Accused
Rank Not Known
in Cr1.O.P.(MD)No.4450 of 2022

Murali @ Manikandan ... Petitioner/Accused
Rank Not Known
in Cr1.O.P.(MD)No.4732 of 2022

Vs

1.The State rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No. 216 of 2022).

(Now Transferred to)

2.The Inspector of Police,
Prohibition Enforcement Wing,
Thanjavur District. ... Respondents/Complainants
in all petitions

For Petitioner : Mr.S.Veerapandiselvaraj
(in Cr1.O.P.(MD)No.4508 of 2022)
Mr.N.Balasubramanian
(in Cr1.O.P.(MD)Nos.4450 & 4732 of 2022)
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of Tamil Nadu(Cr1.side)
In all the Petitions



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

COMMON PRAYER :- For Anticipatory Bail in Crime No. 216 of 2022 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471, 473, 485, 486, 120(b) of IPC and Sections 4(1)(aaa), 4(1)(h), 5 and 4(1-A) of Tamil Nadu Prohibition Act and Sections 5 and 7 of Tamil Nadu Rectified Rules 2000, in Crime No.216 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were in possession of 633 numbers of brandy liquor bottles (each contains 180ml) and 18 litres of ID Arrack and some empty bottles illegally. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and that the petitioners were implicated only on the basis of the confession taken from the fourth accused.

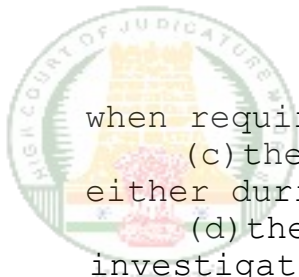
4.The learned Government Advocate(Crl.Side) would submit that out of ten accused, A1 to A6 were already arrested, in which, A1 to A4 were booked under Act 14 and Section 107 of Cr.P.C proceedings are pending against the other 2 accused. He would further submit that the petitioners are having previous cases under Section 4(1-A) and 4(1)(aaa) of TNP Act and under IPC offence.

5.Considering the facts and circumstances of the case and also considering the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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 No.II, Thanjavur, on condition that the petitioners 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 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 petitioners 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 petitioners shall not tamper with 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/03/2022

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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.II
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT
- 4 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD). Nos.4508, 4450
and 4732 of 2022

Date : 29/03/2022

SA/SVR/SAR.4/06.04.2022/3P/6C

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