



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.04.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6095 of 2022

Kumaresan

... Petitioner/Accused No.7

Vs

The State rep by
The Inspector of Police,
Prohibition Enforcement Wing,
Thanjavur District.
(Crime No.520 of 2022)

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian, Advocate.

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

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

PRAYER :-

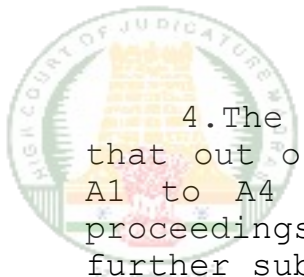
For Anticipatory Bail in Crime No.520 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471, 473, 485, 486, 120(B) IPC, 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 Spirit Rules 2000, in Crime No.520 of 2022, seeks anticipatory bail.

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

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that the petitioner was implicated only on the basis of the confession taken from the fourth accused.



4.The learned Government Advocate (Criminal 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 petitioner is not having any previous cases.

5.Considering the facts and circumstances of the case and also considering the nature of the charges levelled against the petitioner, 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 arrest or on 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.II, Thanjavur District, 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 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 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 a.m., 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 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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/04/2022

/ TRUE COPY /

/ /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.II,
THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
INSPECTOR OF POLICE, PEW, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER
IN
CRL OP(MD) No.6095 of 2022
Date :01/04/2022

PKP/JM/SAR-4/11.04.2022/3P/5C