



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.14466 of 2022

1. T.T.M.THAYAL ASHOK

2. RAMALINGAM

3. KALISHWARAN

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
Crime No.243 of 2022.

... Respondent/Complainant

For Petitioners : M/s.BASHYAM T, Advocate

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

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

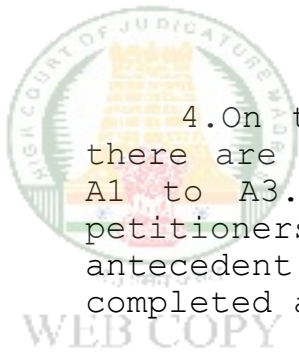
PRAYER :- For Anticipatory Bail in Crime No.243 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 24 of Tamil Nadu Prohibition Act, in Crime No.243 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.07.2022 the respondent Police conducted a search in the Bar of the accused and found that after expiry of license in the Bar liquor was served to the non-members of the club. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are arrayed as A1 to A3. The petitioners are noway connected to this case. A false case was foisted against the petitioners. Already a petition was filed for renewal of the Bar license and the same is pending. Hence, prayed to release them on anticipatory bail.



4. On the side of prosecution, it is stated that in there are totally three accused and the petitioners are arrayed as A1 to A3. After expiry of license, liquor was served in the petitioners' club. The petitioners are not having any bad antecedent at their credit. In this case investigation is not yet completed and hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case and considering the overt act attributed against the petitioners and also the fact that the petitioners are not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of the Chief Justice Relief Fund, payable in Accounts Section of the High Court Registry, Madurai Bench of Madras High Court, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

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 Judicial Magistrate No.VI, Madurai, on condition that the petitioner 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 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:

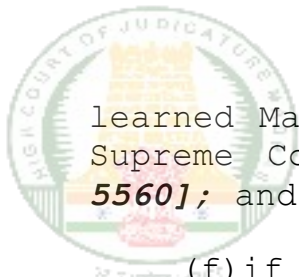
a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders;

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

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 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/-

29/09/2022

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/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER
IN**

CRL OP(MD) No.14466 of 2022
Date :29/09/2022

PNM
SA/SVR/SAR. /07.10.2022/3P/6C