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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.15199 of 2022

1. Sundarapandian @ Sundar
2. Balamurugan
3. Duraisingam

... Petitioners/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
PEW - Kamuthi Police Station,
Ramanathapuram District
(Crime No.649 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Dhilipan Pandian.R.L., 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.649 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 468 and 471 IPC and Sections 4(1)(a), 4(1)(i), 4(1-A) and 7 of Tamil Nadu Prohibition Act, in Cr.No.649 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 173 bottles of liquor. Hence, the complaint.

3.On the side of the petitioners, it is stated that based on the confession given by the co-accused, the petitioners have been



arrayed as accused in this case. It is further stated that A1 and A5 were already released on bail by this Court in Crl.O.P.(MD)No.14773 of 2022, dated 05.09.2022 and prayed the petitioners to be released on bail.

4. On the side of the prosecution, it is stated that after filing of this petition, the first petitioner was arrested and released on bail and A2 is having one previous case, which is similar in nature and A3 is having no previous case and prayed the petition to be dismissed.

5. Since the first petitioner was already arrested and released on bail, this petition is dismissed as against the first petitioner is concerned.

6. Considering the nature of the offence and on considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

7. Accordingly, this petition is partly allowed and the petitioners 2 and 3 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, Paramakudi, Ramanathapuram District, on condition that the petitioners 2 and 3 shall execute a 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 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:

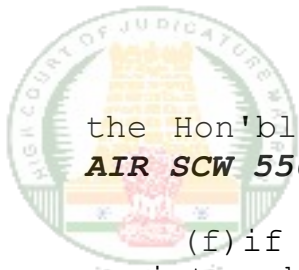
(a) the petitioners 2 and 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 and 3 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 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.

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

SJI

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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PEW - KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15199 of 2022
Date :15/09/2022