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

Reserved on : 14/09/2022
Pronounced on : 19/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.15864 of 2022

1.Ganesan
2.Malaisamy

... Petitioners/Accused Nos.1 and 2

Vs

State represented through
The Inspector of Police,
Prohibition Enforcement Wing(PEW),
Ramanathapuram police station,
Ramanathapuram District.
(Crime No.713/22).

... Respondent/Complainant

For Petitioners : M/s.D.Balamurugapandi, 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.713/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2 who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 4(1)(aaa), 24 and 7(a) of Tamil Nadu Prohibition Act, in
Cr.No.713 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were in
illegal possession of 9 box of Black Pearl, Jet-2 Boxes and 10
Bottles, ML 94 Bottles and Express 7 Box Louse Warant 22 Brandy
golden eagle -3 bottles mg diamond rum-3 and 37 black pearl brandy
bottle. Hence the complaint.



3.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the defacto complainant. They have been falsely implicated in this case. On the basis of the confession given by the other accused, this petitioners were imploded in this case and pray the petitioners to be released on bail.

4.The learned Government Advocate(Crl.side) submitted that the first accused is having three previous cases and A2 is having five previous cases in similar nature. They are the main accused persons.

5.Considering the facts and circumstances of this case and considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, Ramanathapuram District, 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 for a period of two weeks 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 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
19/09/2022

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/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING (PEW),
RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15864 of 2022
Date :19/09/2022

SP/SVR/SAR II/21/09/2022/3P/5C