



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15988 of 2022

WEB COPY

Gandhi

... Petitioner/Accused No.3

Vs

State Rep.by
The Sub Inspector of Police,
Seithur Police Station,
Virudhunagar District
(Crime No.157 of 2022).

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.157 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(g) and 4(1-A) of Tamil Nadu Prohibition Act (Transport), 1937, in Cr.No.157 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 20 litres of arrack illegally. Hence, the complaint.

3.On the side of the petitioner, it is stated that A1 and A2 were already released on bail before the trial Court. The petitioner is A3 and prayed the petitioner to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that A1 and A2 were already released on bail on 17.08.2022. The petitioner and the co-accused were having possession of 20 litres of ID arrack illegally and prayed the petition to be dismissed.

5.Considering the nature of the offence and on considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



6. Accordingly, this petition is allowed and the petitioner is 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 Court, Rajapalayam, Virudhunagar 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/09/2022

/ TRUE COPY /

/09/2022

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, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.



3 THE SUB INSPECTOR OF POLICE, SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-9683[I] dated
06/09/2022)

ORDER

IN

CRL OP(MD) No.15988 of 2022

Date :05/09/2022

SJI

RS/VR/SAR.2 (13.09.2022) 3P-6C