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CRL OP(MD) N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2022

PRESENT

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

CRL OP(MD) . Nos.16050 and 16261 of 2022

Rajendran	... Petitioner/Accused No.16 in Crl.O.P(MD).No.16050 of 2022
Balamurugan	... Petitioner/Un named Accused in Crl.O.P(MD).No.16261 of 2022

Vs

State Rep.by
The Inspector of Police,
Pew - Ramanathapuram Police Station,
Ramanathapuram District.
(Crime No.713/2022).

... Respondent /Complainant
in both Crl.O.Ps

For Petitioner : Mr.T.Veerakumar, Advocate
(in Crl.O.P(MD).No.16050 of 2022)

For Petitioner : M/s.Mahendrarajan B, Advocate
(in Crl.O.P(MD).No.16261 of 2022)

For Respondent : Mr.M.Muthumanikkam,
(in both Crl.O.Ps) Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.713/2022 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 4(1)(3)
(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 petitioners along with
one other accused persons were found in illegal possession of TASMAL



liquor bottles. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to enmity, a false case foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that co-accused has already been arrested and thereafter, released on bail and the petitioners shall abide any condition imposed by this Court.

4. The learned Government Advocate (Crl. Side) would submit that no previous case is pending against these petitioners.

5. Considering the facts and circumstances of the case and the grant of anticipatory bail to the Co-accused by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, to the credit of Crime No.713 of 2022 before the learned Judicial Magistrate, Rameswaram, Rameswaram District, 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 petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Rameswaram, Rameswaram District, on condition that the petitioners 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 learned Magistrate concerned and on further conditions that:

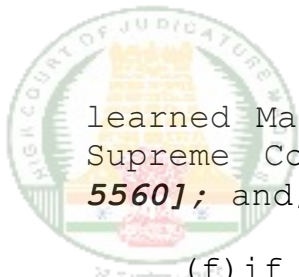
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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 petitioners in accordance with law as if the conditions 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/09/2022

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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,
RAMESWARAM, RAMESWARAM DISTRICT.

2 DO THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PEW RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.VEERAKUMAR T, Advocate (SR-10143[I] dated 19/09/2022)

ORDER IN
CRL OP(MD). Nos.16050 and 16261 of 2022
Date :16/09/2022

TTA

RS/VR/SAR.2 (22.09.2022) 3P-6C