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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

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

CRL OP(MD) . No.17132 of 2022

Kathiravan

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Pew Alangulam Police Station,
Tirunelveli District.
(Crime No.0775 of 2016).

... Respondent/Complainant

For Petitioner : M/s.V.A.Dhana Aravindh Balaji, Advocate
for M/s.Dhanan Law Associates

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.0775 of 2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(a), 4(1)(aa), 4(1-A) TNP Act, 120B, 34, 468, 471, 473, 484, 487 IPC, 39, 43, 130(4), 192(1) MV Act, in Crime No.0775 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case against the petitioner is that on 12.07.2016 at about 11.15AM, on suspicion the respondent Police inspected the vehicle of the accused viz., Karupaiyah and found the illegal possession of liquor and also fake Government seal in the liquor



bottles. Based on his confession, the other accused were arrested. Hence, the present case is registered.

3. On the side of the petitioner it is stated that based on the confession of A1, this petitioner/A5 impleaded in this case. As per prosecution, this occurrence took place on 12.07.2016. Whereas, the petitioner was detained under Goondas from 29.03.2016 to 30.09.2016, as per the detention order. Therefore, as on the date of occurrence, the petitioner was in prison. A false case was foisted against the petitioner. Hence, prays to release him on anticipatory bail.

4. On the side of the prosecution it is stated that based on the confession of A1, this petitioner was impleaded in this case. The petitioner is having three previous cases at his credit and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the submission made by the petitioner's counsel that he was in prison at the time of occurrence, as per the detention order and also the fact that the petitioner was impleaded, based on the confession of co-accused, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original 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 Judicial Magistrate, Alankulam, 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 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 as and when required;

(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.

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Sd/-
26/09/2022

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE,
ALANKULAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PEW - ALANGULAM POLICE STATION,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DHANAN LAW ASSOCIATES Advocate SR.No.10511

ORDER
IN
CRL OP (MD) No.17132 of 2022
Date :26/09/2022

SP/VR/SAR /07/10/2022/3P/6C