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CRL OP(MD). No.19178 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19178 of 2021

PRABU

... PETITIONER/ACCUSED-2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 932 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.Subramanian R,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

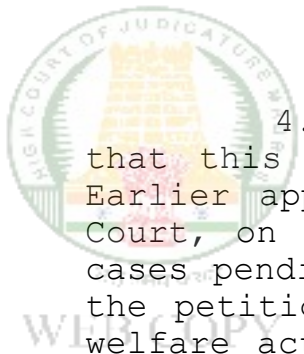
For Anticipatory Bail in Crime No. 932 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1) (a) r/w 4(1) A of Tamil Nadu Prohibition Act, in Crime No.932 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner was found in illegal possession of 20 bottle of Pondicheery arrack without any proper license and permission. Hence, the complaint.



4. The learned counsel appearing for the petitioner submits that this is the second application filed for anticipatory bail. Earlier application filed by the petitioner was dismissed by this Court, on the ground that this petitioner is having seven previous cases pending against him. The learned counsel further submits that the petitioner is a public spirited person and he is doing social welfare activities and even now, he has donated Computer, computer table and chairs, Baby Chairs, Cooking vessels worth Rs.70,000/- to Sri Ramakrishna Aided Primary School, Devancheri and he has filed an affidavit to that effect. Relevant photographs and the bills also been produced by the petitioner's counsel.

5. Considering the submission made by the learned counsel for the petitioner and also taking into consideration of the attitude of the petitioner, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Kumbakonam, Thanjavur District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge 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 Aadhaar card or bank pass book to ensure their identity.

[a] (i) the petitioner shall also file an affidavit before the respondent police that he will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2022

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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 NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19178 of 2021
Date :04/01/2022

USK/JC/SAR-II/11.01.2022/3P/5C