



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 12/01/2022

WEB COPY

PRESENT
The Hon'ble Mr. Justice G.ILANGO VAN

Crl.OP(MD)Nos.18442, 18443 and 18444 of 2021

Crl.OP(MD)No.18442 of 2021:-

Kalyani ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.186 of 2021)

... Respondent/Complainant

For Petitioner : M/s.T.Lajapathy Roy, Advocate for
M/s.R.Narayanan, Advocate

For Respondent : M/s.SS.Madhavan
Government Advocate(Criminal side)

PETITION FOR ANTICIPATORY BAILS under Sec.438 of Cr.P.C

PRAYER:-

For Anticipatory Bail in Crime No.186 of 2021 on the file of
the Respondent Police.

Crl.OP(MD)No.18443 of 2021:-

Kalyani ... Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police,
PEW-Sattur,
Virudhunagar District.
(Crime No.1249 of 2021)

... Respondent/Complainant



WEB COPY

For Petitioner : M/s.T.Lajapathy Roy, Advocate for
M/s.R.Narayanan, Advocate
For Respondent : M/s.SS.Madhavan
Government Advocate(Criminal side)

PETITION FOR ANTICIPATORY BAILS under Sec.438 of Cr.P.C

PRAYER:-

For Anticipatory Bail in Crime No.1249 of 2021 on the file of the Respondent Police.

Cr1.OP(MD)No.18444 of 2021:-

Kalyani ... Petitioner/Sole Accused

Vs.

State rep.by
Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.185 of 2021)

... Respondent/Complainant

For Petitioner : M/s.T.Lajapathy Roy, Advocate for
M/s.R.Narayanan, Advocate

For Respondent : M/s.SS.Madhavan
Government Advocate(Criminal side)

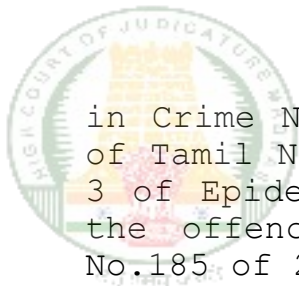
PETITION FOR ANTICIPATORY BAILS under Sec.438 of Cr.P.C

PRAYER:-

For Anticipatory Bail in Crime No.185 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioner, who is arrayed as an accused, in all the cases, apprehending arrest at the hands of the respondent police for the alleged offence under section 4(1-A) of Tamil Nadu Prohibition Act,



in Crime No.186 of 2021; for the the offences under section 4(1-A) of Tamil Nadu Prohibition Act and sections 269, 270 IPC and section 3 of Epidemic Disease Act, 1897 in Crime No.1249 of 2021, and for the offence under sections 294(b), 324 and 506(2) IPC in Crime No.185 of 2021, seeks anticipatory bail.

WEB COPY

2.All the petitions came to be filed by this petitioner on the ground that the de-facto complainant in Crime No.185 of 2021 was demanding the liquor to be supplied to him. When that was refused due to lock down restrictions, the above said police man stealthy made a retaliation and only based upon which, the case in Crime No.185 of 2021 has been registered. The Crime Nos.185 and 186 of 2021 were registered on 22/10/2021 by the Kariapatti Police. Similarly, Crime No.1249 of 2021 was registered by the Prohibition Enforcement Wing, Sattur, Virudhunagar District, on the same date.

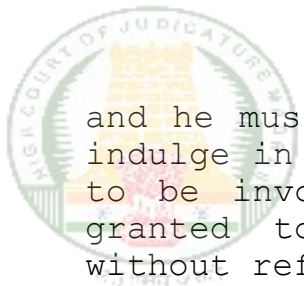
3.The learned counsel appearing for the petitioner would submit that it is humanly impossible to be present in three different places on the same date. According to the learned counsel appearing for the petitioner, this will show that it is purely a foisted case, and inherently improbable also.

4.But however the learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner is facing more than 9 cases, which are similar in nature on the previous occasions and in all these cases, violation of prohibition Act 1937 has been alleged.

5.To show the character of the de-facto complainant, the petitioner produced the typed set of papers, in respect of in CSR No.290 of 2019 and CSR No.108 of 2021 and case in FIR No.97 of 2021, which were registered against the de-facto complainant in Crime No.185 of 2021. So according to the learned counsel appearing for the petitioner, the de-facto complainant is not a man of good conduct and character and taking advantage of working in the police department, he has continuously indulged in criminal intimidation etc. So according to him, when the case has been registered by the said person, the genuineness of the case has also to be taken note.

6.No doubt, the de-facto complainant in Crime No.185 of 2021 is not a man of good conduct and character. But those facts cannot be taken into account at this stage. If at all the petitioner is entitled for anticipatory bail only on the ground that she is a woman aged about 50, no other consideration can be entertained at this stage. The co-accused namely A2 and A3 have been arrested and later released on bail. So no purpose is going to be served by arresting the petitioner. The alleged liquor bottles have also been seized in Crime No.185 of 2021.

7.In other cases also, the investigation might have been over
<https://hsr.srccs.gov.in/services> this petitioner is entitled for anticipatory bail



and he must file a undertaking affidavit stating that she will not indulge in any such activities in future. If the petitioner is found to be involved in any offence in future, this anticipatory bail granted to this petitioner will stand automatically cancelled without reference to this court.

WEB COPY

8. Considering the above facts and circumstances of this case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner, in all cases, is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Sattur and on his executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

Sd/-
12/01/2022

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SATTUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



4. THE INSPECTOR OF POLICE,
PEW-SATTUR, VIRUDHUNAGAR DISTRICT.

WEB COPY

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

+3. CC to M/S.NARAYANAN R Advocate SR.No.294,295,296

ORDER

IN

CRL OP (MD) No.18442,18443
& 18444 of 2021

Date :12/01/2022

SP/JM/SAR IV/24/01/2022/5P/9C