



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17303 of 2022

Navaneethakrishnan

... Petitioner/Accused No.6

Vs

The State Rep. By,
The Inspector of Police,
Kumbakonam Prohibition Enforcement Wing,
Thanjavur District.
(Crime No.1670/2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M,
Advocate

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.1670/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4 (1)(a), 4(1-A) of Tamil Nadu Prohibition Act r/w 272, 420, 465, 468 and 471 IPC, in Crime No.1670 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.07.2022 at about 13.00hours, the accused persons were found in illegal possession of 81 Nos. liquor bottles, to the tune of Rs.14,850/-. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Based on the confession of A1, this petitioner was implicated in this case as A6. The co-accused A1 to A5 were already released on bail. He is noway connected with the offence. Hence, prays to release him on anticipatory bail.



4. On the side of prosecution, it is stated that the persons were found in illegal possession of arrack and hence, strongly opposed to grant anticipatory bail.

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

6. Accordingly, the petitioner shall deposit a sum of **Rs.3,000/- (Rupees Three Thousand only) to the credit of Advocate Clerk's Welfare Fund, Madurai Bench of Madras High Court, Madurai**, without prejudice to his 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 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, 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 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 Aadhaar card or bank pass book to ensure their identity.

[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/-

28/09/2022

/ TRUE COPY /

/10/2022

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



TO

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

COPY TO :

THE OFFICER-INCHARGE,
ADVOCATE CLERKS WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10709[I] dated
29/09/2022)

ORDER
IN
CRL OP(MD) No.17303 of 2022
Date :28/09/2022

PNM
USK/SVR/SAR- /07.10.2022/3P/7C