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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

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

CRL OP(MD). No.17310 of 2022

Senthilvelavan

... Petitioner/Accused No.20

Vs

The State rep.by,
The Inspector of Police,
PEW Police Station,
Ramanathapuram,
(Cr No.713/2022).

... Respondent/Complainant

For Petitioner : M/s.Rajesh.K,
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 Cr No.713/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A20, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa)(transport)TNP Act and Section 24,r/w.7(a) of TNP Act in Cr.No.713 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 04.08.2022 at about 8.30 p.m when the respondent police made a routine ride found the co accused persons purchasing the liquor bottles from tasmac shop and thereafter transported the liquor bottles without any license. Hence the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner has not involved in this case and he has been falsely implicated in this case. He would further submit that there was no recovery from the petitioner. Therefore, he seeks anticipatory bail.

<https://www.mhcn.org.in/judis>



4.The learned Government Advocate(Crl.Side) would submit at petitioner found in illegal possession of 1174 liquor bottles, hence he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the small quantity of liquor involved in this case and also the considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.1,000/- (Rupees One Thousand only) to the Indian Association for the blind, Alagar Kovil Road,Sundararajanpatti, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate, Rameshwaram, Ramanathapuram District.

7.On production of such receipt, 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 learned Judicial Magistrate, Rameshwaram, Ramanathapuram District, 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 for interrogation.

(c)the petitioner shall not tamper with 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

AAV

TO

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

ORDER
IN
CRL OP(MD) No.17310 of 2022
Date : 28/09/2022

RK/GB/SAR- (07/10/2022) 3P/5C