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CRL OP(MD). N



22

BEFORE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17704 of 2022

Satheeshkumar

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Cr No.342/2022).

... Respondent/Complainant

For Petitioner : M/s. Thalaimutharasu.G,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.342/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4 (1)(aa) of Tamil Nadu Prohibition Act, in Crime No.342 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 30.09.2022, while the respondent police was on patrol duty, they intercepted the scooter and found totally 180ml brandy - 300 bottles and seized the bottles from A1 & A2, thereby, A1 & A2 were arrested. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending. He

<https://www.mhc.tn.gov.in/judis>



submitted that seven previous cases are pending against the petitioner.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against 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 learned Judicial Magistrate, Sivagiri, Tenkasi District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit a sum of Rs.10,000/- as non refundable deposit to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, (INDIAN BANK saving Account No.496039124, IFSC: IDIB000H040).

(c) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks.

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

[e] 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]**.

sd/-

06/10/2022

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/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE, SIVAGIRI, TENKASI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.

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

COPY TO

THE ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10996[I] dated
06/10/2022)

ORDER

IN

CRL OP(MD) No.17704 of 2022

Date : 06/10/2022

RK/GB/SAR- (10/10/2022) 3P/7C