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CRL OP(MD). N



22

BEFORE THE 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.17832 of 2022

Thangaraj

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Sankarankoil Town Police Station,
Tenkasi District.
(Crime No.423/2022)..

... Respondent/Complainant

For Petitioner : Mr.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 Crime No.423/2022 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) A of Tamil Nadu Prohibition Act, in Crime No.423 of
2022, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto
complainant who is the Sub Inspector of Police on receiving secret
information conducted inspection found that the petitioner was
selling 9 brandy battle worth about Rs.2,000/-. Hence, the
compliant.

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 almost completed.

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, Sankarankovil, 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 report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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]**.

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,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
SANKARANKOIL TOWN POLICE STATION, TENKASI DISTRICT.

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

+1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.11057

ORDER

IN

CRL OP(MD) No.17832 of 2022

Date :06/10/2022

SS/TR/11/10/2022/ 3P 6C