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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/10/2022
PRESENT

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

CRL OP(MD) . No.18253 of 2022

Athiveerapandian

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
PEW Police Station,
Ramanathapuram.
(Crime 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 Crime No.713/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(1)(aaa) (Transport) TNP Act and Section 24 r/w 7(a) of Tamil Nadu Prohibition Act in Crime No.713 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were in illegal possession of liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A17 and A21 were already obtained anticipatory bail by this Court in Crl.O.P.(MD)Nos.15772 and 15774 of 2022, dated 19.09.2022. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing before the respondent police would submit there are 33 accused in this case and the petitioner is having two previous cases and the investigation in this case is pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the co-accused have already obtained anticipatory bail by this Court, 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 Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Rameshwaram.

7.On production of such receipt, 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, Rameshwaram, 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 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.

TO

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

COPY TO:

THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL, Y.OTHAKADAI,
MADURAI.

+1. CC to M/S.RAJESH K Advocate SR.No.11373

ORDER

IN

CRL OP(MD) No.18253 of 2022
Date :13/10/2022

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