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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.18463 of 2022

Sivakumar

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
PEWPS, Palani.
Crime No.829/2022.

... Respondent/Complainant

For Petitioner : M/s.Pethanaraj C G,
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.829/2022 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 offences punishable under Sections 4(1) (aaa), 4(A) of Tamilnadu Prohibition Act r/w Sections 468 and 467 of IPC, in Crime No.829 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 1392 liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the property was recovered from the second accused and the petitioner shall abide any condition imposed by this Court. Hence, he may be granted

<https://www.mhctn.gov.in/judis>



anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that based on the confession statement of the co-accused, the petitioner has been implicated in this case and the properties have been recovered and the petitioner is not having any previous cases and the co-accused were released on bail by the learned Principal Sessions Judge, Dindigul. However, he would further submit that the investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the properties have been recovered and the co-accused were already released on bail and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) **to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Palani.

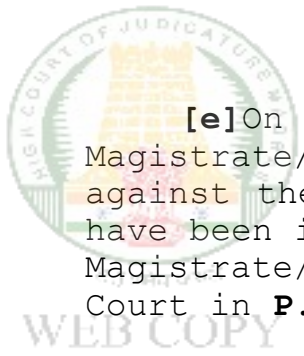
7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani on condition that the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/10/2022

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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,
PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
PEW POLICE STATION, PALANI.

4 THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL, SATHYAMOORTHY NAGAR,
MADURAI.

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

+1 CC to M/s.R.SARAVANAN, Advocate (SR-11490[I] dated 17/10/2022)

ORDER

IN

CRL OP(MD) No.18463 of 2022

Date :17/10/2022

CP

RS/SBN/SAR. (27.10.2022) 3P-7C