



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 02/11/2022

WEB COPY

PRESENT

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

CRL OP (MD) . No.19370 of 2022

1. Munees @ Muneeshwaran,

2. Sundralingam,

... Petitioners/Accused No.1&3

Vs

THE STATE REP.BY  
The Inspector of Police,  
Koodakovil Police Station,  
Madurai District.  
Crime No. 145 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ganeshkamu M,  
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.145 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 4(1) (A) of Tamilnadu Prohibition and Transport Act, in Crime No.145 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the petitioners and other accused persons were found in illegal possession of 165 liquor bottles (each contains 180 ml) worth about Rs.48,000/-, which was banned by the Government. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners and the other accused persons were found in possession of 165 liquor bottles (each contains 180 ml) worth about Rs.48,000/-, which was banned by the Government. He would further submit that no bad antecedent is reported against the petitioners. But, however, the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the **High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thirumangalam, Madurai District.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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;

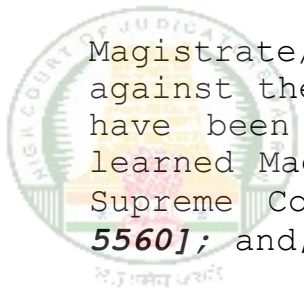
(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

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

(e)on breach of any of the aforesaid conditions, the learned



Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
02/11/2022

/ TRUE COPY /

/11/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

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

COPY TO:

THE OFFICER IN CHARGE,  
High Court Legal Services Authority,  
Madurai Bench of Madras High Court, Madurai,

ORDER  
IN  
CRL OP(MD) No.19370 of 2022  
Date : 02/11/2022

MGJ(10.11.2022)/VR/SAR4 3P 6C