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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP (MD) . No.20374 of 2022

Selvan

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Prohibition and Enforcement Wing,
Thucklay,
Kanyakumari District.
(Crime No.677 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sreenivasan M.R., 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.677 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1-A), 4(1)(a) and 4(1)(g) of Tamil Nadu Prohibition Act, 1937, in Cr.No.677 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused were found in illegal possession of 2 litres of arrack worth about Rs.45,000/-. 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 A1 has already been granted anticipatory bail by this Court in CrI.O.P.(MD)No.20086 of 2022 on 14.11.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(CrI.Side) would submit totally 3 accused are involved in this case. The petitioner was arrayed as A3 in this case and he is having two previous cases, which are similar in nature. 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 A1 has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Padmanabhapuram, 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 daily at 10.30 am until further orders.

(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.

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Sd/-
17/11/2022

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/11/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
PROHIBITION AND ENFORCEMENT WING,
THUCKLAY, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SREENIVASAN M.R. Advocate SR.No.13207

ORDER
IN
CRL OP(MD) No.20374 of 2022
Date :17/11/2022

SP/SSS/SAR II/25/11/2022/3P/6C