



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20607 of 2022

WEB COPY

Pandiammal

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.424 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Sankara Pandian J, 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.424 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

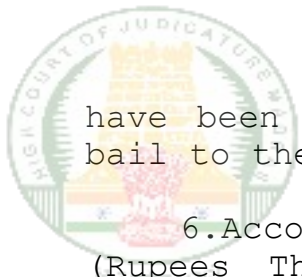
The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
4(1-a) and 4(1-A) of Tamil Nadu Prohibition Act, Crime No.424 of
2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found
in illegal possession of 115 bottles of 180 ml brandy on various
brands. 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 petitioner shall
abide any condition imposed by this Court and hence, he may be
granted anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the
respondent police would submit that the properties have been
recovered. The petitioner is having ten previous cases of similar
in nature and the investigation in this case is not yet completed.
Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case and
considering the nature of offence and also the fact that properties



have been recovered, this Court is inclined to grant ant. bail to the petitioner on certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) **to the credit of Women Advocates Association, Madurai Bench of Madras High Court (Account No:- 770357420, IFSC Code:- IDIB000H040, Indian Bank)**, without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Madurai District.

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 No.II, Madurai District, 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/-
22/11/2022

/ TRUE COPY /

/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SILAIMAN POLICE STATION,
MADURAI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20607 of 2022

Date :22/11/2022

CP

RS/BUC/SAR.1 (30.11.2022) 3P-6C