



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

Date : 21/11/2022

PRESENT

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

CRL OP(MD) . No.20572 of 2022

Kasi Tamil @ Kasimani

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
Crime No.635 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Hitesh Kumar C,
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.635 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4 (1)(a), 4(1-A) of T.N Prohibition Act, Crime No.635 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 65 bottles of 180 ml Mens Club Brandy and 44 bottles of 180 ML Vorion brandy and four bottles were already in opened state. 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 before the respondent police would submit that the properties have been recovered. The petitioner is having three 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.

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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 anticipatory bail to the petitioner on certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) **to the credit of Annai Sathya Ammaiyyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned District Munsif cum Judicial Magistrate, Thiruvidaimaruthur.

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 District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, 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/-
21/11/2022

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/12/2022

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
CHOLAPURAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
ANNAI SATHYA AMMAIYAR MEMORIAL GOVERNMENT
HOME FOR DESTITUTE CHILDREN,
DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI-625 020.

+1 CC to M/s.C.HITESH KUMAR, Advocate (SR-13380[I] Dated
21/11/2022)

ORDER
IN
CRL OP(MD) No.20572 of 2022
Date :21/11/2022

CP
USK/SSS/SAR-III/01.12.2022/3P/7C