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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2022
PRESENT

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

CRL OP(MD) . No.20850 of 2022

Arshikaran @ Karishkaran

... Petitioner/Accused 5

Vs

The State rep.by
The Inspector of Police,
PEW Thuckalay Police Station,
Kanyakumari District.
Crime No.570 of 2022

... Respondent/Complainant

For Petitioner : M/s.Cenil G,
Advocate.

For Respondent : Mr.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

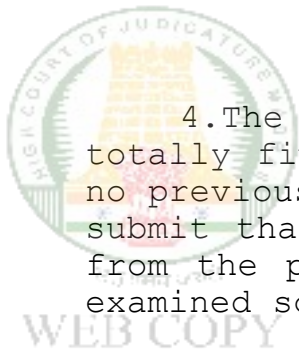
PRAYER :- For Anticipatory Bail in Crime No.570 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 and 7 of TN Rectified Spirit Rules, 2000, Sections 4(1)(aaa) and 14 A of TN Prohibition Act and Sections 420, 468 and 471 of IPC in Cr.No.570 of 2022, seeks anticipatory bail.

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

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submitted that A2 has already been arrested and thereafter released on bail and also submitted that no previous case is pending against the petitioner.



4.The learned Government Advocate (Crl. side) would submit at totally five accused involved in this case and also submitted that no previous case is pending against the petitioner. He would further submit that three mobile phones and two brandy bottles were seized from the petitioner and also submitted that 3 witnesses have been examined so far.

5.Considering the facts and circumstances of the case, the petitioner is not having any bad antecedents, three witnesses have been examined so far and the grant of bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.570 of 2022 before the learned Judicial Magistrate Court-I, Kuzhithurai, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, 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.I, Kuzhithurai, 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 abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
25/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PEW THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20850 of 2022
Date :25/11/2022

TTA
SA/VR/SAR.1/08.12.2022/3P/5C