



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.22299 of 2022

Saravanan Krishnan

...Petitioner / Sole Accused

-vs-

The State represented by
The Sub Inspector of Police,
Shenkottai Police Station,
Shenkottai, Tenkasi District.
(in Cr.No.324 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.324 of 2022.

For Petitioner : Mr.T.Bashyam, Advocate.

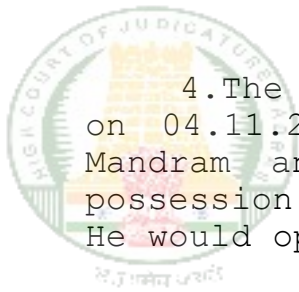
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 24 of Tamil Nadu Prohibition Act in Crime No.324 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that an inspection was conducted by the respondent Police in Kurinji Manamahil Mandram on 04.11.2022 and during inspection, it was found that the petitioner was in illegal possession of 549 units of liquors against the permitted quantity. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is the Proprietor of Kurinji Manamahil Mandarm and he has been given the FL2 licence and that due to some discrepancies in account, 549 units of liquors were found to be excess. He would also submit that the petitioner has no previous cases pending against him and without prejudice to the defence, the petitioner is ready to make a donation for any welfare scheme.



4.The learned Government Advocate (Crl.side) would submit that on 04.11.2022, an inspection was conducted in Kurinji Mandram and it was found that the petitioner was in illegal possession of 549 units of liquors against the permitted quantity. He would oppose for grant of anticipatory bail.

5.Taking into consideration the facts and submission and on perusing the materials available on record including F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.The petitioner shall pay a sum of Rs.15,000/- to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Shenkottai.

7.Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8.On production of proof for payment, 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 on which the order copy made ready, before the learned Judicial Magistrate Court, Shenkottai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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]**.



[f] If the accused thereafter absconds, a fresh FII be registered under Section 229A IPC.



sd/-
16/12/2022

/ TRUE COPY /

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
SHENKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SHENKOTTAI POLICE STATION, SHENKOTTAI,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATES ASSOCIATION (MBHAA),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BASHYAM T, Advocate (SR-15021[I] dated 16/12/2022)

ORDER
IN
CRL OP(MD) No.22299 of 2022
Date :16/12/2022

cmr
MK/VR/SAR 3/22.12.2022/3P/7C