



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

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

CRL.O.P (MD) No.22901 of 2022

Karthi @ Marikani

... Petitioner/Accused No.1

-vs-

State represented by  
The Inspector of Police,  
Sivakasi East Police Station,  
Viruthunagar District.  
(Cr.No.507 of 2021)

... 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.507 of 2021.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.B.Muthukannan, Advocate                           |
| For Respondent | : Mr.K.Sanjai Gandhi<br>Government Advocate (Crl.side) |

### O R D E R

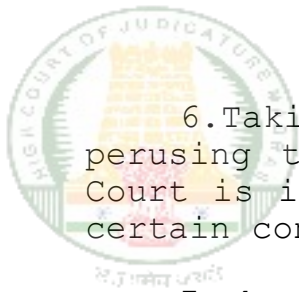
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 4(1-A) and 4(1)(i) of Tamil Nadu Prohibition Act in Crime No.507 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 13.11.2021 during inspection, the petitioner and other accused were in illegal possession of duplicate liquor bottles worth of Rs.4,800/-. 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 other accused were arrested and enlarged on bail. He would also submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him.

4.The learned Government Advocate (Crl.side) would submit that on 13.11.2021 during inspection, the petitioner and other accused were in illegal possession of duplicate liquor bottles worth of Rs.4,800/-. He would object for grant of anticipatory bail to the petitioner.

5.In reply, the learned Counsel for the Petitioner would 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 to any welfare scheme.



6. Taking into consideration the facts and submission 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.

7. The petitioner shall pay a sum of Rs.5,000/- 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 No.II, Sivakasi, Virudhunagar District.

8. 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.

9. 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 No.II, Sivakasi, Virudhunagar 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 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 registered under Section 229A IPC.

sd/-  
23/12/2022

/ TRUE COPY /

WEB COPY

/01/2023

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

cmr

To

1 THE JUDICIAL MAGISTRATE NO.II  
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE  
SIVAKASI EAST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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

COPY TO

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

ORDER  
IN  
CRL OP(MD) No.22901 of 2022  
Date :23/12/2022

RS/VR/SAR.3(04.01.2023) 3P-6C