



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

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

CRL.O.P(MD)No.309 of 2023

WEB COPY

P.Sathish @ Anbu Selvam

...Petitioner/Accused No.1

-vs-

The State of Tamil Nadu
represented by through the
Inspector of Police,
Medical College Police Station,
Thanjavur District.
(in Cr.No.1185 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. 1185 of 2022.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.K.Sanjay 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 Sections 4(1) (a), 4(1-A) of Tamil Nadu Prohibition Act in Crime No.1185 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 the second accused was selling liquors namely, Topstar Brandy 180 ML, 8 bottles, 4 opened Brandy bottles 90 ML and on seeing the police, he escaped from the scene of occurrence. Immediately, the respondent police arrested and remanded him to judicial custody. 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 submit that the petitioner is ready to abide by any condition that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the second accused was illegally selling the liquors and he was arrested and he is still in judicial custody. He would submit that the petitioner is arrayed as the first accused and no previous case



is pending against the petitioner. He opposes for () of anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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, Thanjavur, 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 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 FIR can be registered under Section 229A IPC.

sd/-

24/01/2023

/ TRUE COPY /

/02/2023

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

TO

1 THE JUDICIAL MAGISTRATE-II,
THANJAVUR.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to M/S.SENTHIL.M.P Advocate SR.No.1132

ORDER

IN

CRL OP (MD) No.309 of 2023

Date :24/01/2023

SS/BUC/SAR-IV/01.02.2023/3P/6C