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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/01/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.781 of 2023

Srirangan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
PEW Police Station,
Dindigul District
(Crime No.1259 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Suriya Narayana Samy.B,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.1259 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) and 4(1-A) of TN Prohibition Act, in Crime No.1259 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 25 bottles of IMFL liquor worth of Rs.7,100/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated based on the confession of the co-accused and thereby, he would seek for anticipatory bail. He would further submit that the co-accused has been arrested and he has been released on bail by the lower Court.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is a habitual offender against whom, there is one

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



previous case and on 10.12.2022 he was found along with t^{er} accused in illegal possession of 25 bottles of IMFL liquor. Hence, he opposed for grant of anticipatory bail.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence, is ready to deposit a sum of Rs.20,000/- towards any welfare scheme.

6. Heard. Perused the materials available on record including the First Information Report.

7. Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.20,000/- towards any welfare scheme, this Court is inclined to grant anticipatory to the petitioner with certain conditions.

8. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the **Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai)** for the purpose of maintaining creche without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

9. On production of such receipt/acknowledgment, the petitioner is ordered to be released on anticipatory 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 Court No.I, Dindigul 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 learned Magistrate concerned and on further conditions that:

[a] 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. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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.

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

SJI
TO

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

COPY TO:

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SURIYA NARAYANA SAMY.B Advocate SR.No.736

**ORDER
IN**

CRL OP(MD) No.781 of 2023
Date :12/01/2023

SA/BUC/SAR.3/27.01.2023/3P/7C