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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.864 of 2023

Pugazharasan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
(Crime No.830 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Manoj Kumar S, 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.830 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 offence punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.830 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 8 numbers of Pondicherry liquor bottles. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. Hence, he seeks for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused were found in illegal possession of 8 numbers of Pondicherry liquor bottles and he has got one previous case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6.Heard. Perused the materials available on record.

7.Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.5,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five 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 three weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvidadimaruthur, 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. for a period of four weeks and thereafter, every Saturday 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 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/-

12/01/2023

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/01/2023

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

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TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
CHOLAPURAM POLICE STATION,
THANJAVUR 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.MANOJ KUMAR S Advocate SR.No.802

ORDER

IN

CRL OP(MD) No.864 of 2023

Date :12/01/2023