



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

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

CRL.O.P(MD)No.1408 of 2023

WEB COPY

Rajavelu

...Petitioner/Accused No.2

-vs-

The State represented by  
The Inspector of Police,  
Thiruneelakudi Police Station,  
Thanjavur District.  
(in Cr.No.39 of 2023)

...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.39 of 2023.

For Petitioner : Mr.C.Sureshkannan, 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 Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.39 of 2023 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 accused persons have found to be illegally transported 60 bottles of illicit liquor in a car Mahindra XUV 300 and hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and the petitioner was implicated unnecessarily based on the confession of the arrested accused. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution and he has no previous case pending against him. He would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the accused persons have found to be illegally transported 60 bottles of illicit liquor in a car Mahindra XUV 300 and hence, the case. He would oppose for grant of anticipatory bail to the



petitioner.

5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, 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 four 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 FIR can be registered under Section 229A IPC.

sd/-  
25/01/2023

/ TRUE COPY /

/02/2023

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



1 THE MUNSIF CUM JUDICIAL MAGISTRATE,  
THIRUVIDAIMARUTHUR.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE,  
THIRUNEELAKUDI POLICE STATION,  
THANJAVUR DISTRICT.

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

+1. CC to M/S.SURESHKANNAN.C Advocate SR.No.1189(I)

ORDER  
IN  
CRL OP(MD) No.1408 of 2023  
Date :25/01/2023

VA/SSS/SAR-3/06.02.2023/3P/6C