



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.2188 of 2023

1. Suresh
2. Manikandaraj
3. S.Pondinesh @ Dinesh ... Petitioners/Accused No.1 to 3

Vs

The State,
Represented by Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
Crime No.18 of 2023. ... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,

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.18 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4(1) (aaa) of Tamil Nadu Prohibition Act, 1937, in Crime No.18 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.01.2023 at 12.30 a.m., when the respondent police was on patrol duty, they found that the petitioners were in possession of liquor bottles for selling higher price.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false case has been foisted against them and hence, he would seek for anticipatory bail.



4.The learned Government Advocate (Crl. side) would submit that the first petitioner has involved in seven previous cases of similar nature and so far as the petitioners 2 and 3 are concerned no previous cases are pending either similar nature or some other nature.

5.Considering the antecedents of the first petitioner, he is not entitled for anticipatory bail and this petition is dismissed in respect of the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners 2 and 3 are having no previous case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3, with certain conditions:

7.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 2 and 3 shall appear before the respondent police once in a month i.e., on first working day of every English calendar month at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/02/2023

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/02/2023

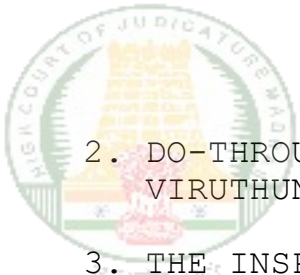
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT.

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



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
3. THE INSPECTOR OF POLICE,
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2188 of 2023

Date :03/02/2023

NA/CG/SAR-2/13.02.2023/3P/5C