



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

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

CRL.O.P(MD)No.4163 of 2023

WEB COPY

Bakkiyaraj

...Petitioner/Sole Accused

-vs-

State represented by
The Inspector of Police,
PEW,
Pudukkottai

(*) (in Cr.No.133 of 2023)

...Respondent/Complainant

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

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.133 of 2023**.

For Petitioner : Mr.P.Ganapathi Subramanian, Advocate

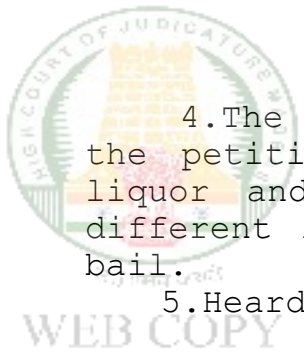
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

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), 4(1)(g) r/w Section 4(1)(A) of Tamil Nadu Prohibition Act, in **(*)Crime No.133 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 petitioner was found in possession of 15 liters of illicit liquor. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the first accused in this case has already been arrested and subsequently, he has been released on bail and based on the confession of the first accused, the petitioner has been implicated in this case and he would pray for grant of anticipatory bail.



4.The learned Government Advocate (Crl.side) would submit that the petitioner was found in possession of 15 liters of illicit liquor and there is one previous case to his credit which is different in nature and he would oppose for grant of anticipatory bail.

5.Heard and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Pudukottai 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 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 two 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/-

03/03/2023

(*)Amended as per the order of this Hon'ble Court dated 09/06/2023 in Crl MP(MD)No.8019 of 2023 in Crl OP(MD)No.4163 of 2023.

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/06/2023

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



TO BE SUBSTITUTED WITH THE ORDER DATED 03/03/2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKOTTAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PEW PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.4163 of 2023
Date :03/03/2023

PKP/VRS/SAR-3/(10.03.2023)/ 3P/5C

PKP/BUC/SAR- /21.06.2023/ **3P/ 5C**