



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

Date : 30/03/2023

PRESENT

The Hon`ble **Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD). 6033 of 2023

Murugan @ Periyavan

... Petitioner / Accused No.3

Vs

State rep., through
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Crime No.72 of 2023).

... Respondent / Complainant

For Petitioner : Mr.M.Mohamed Riyaz, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public PROsecutor

PETITION FOR Anticipatory Bail Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.72 of 2023 on the file of the respondent police.

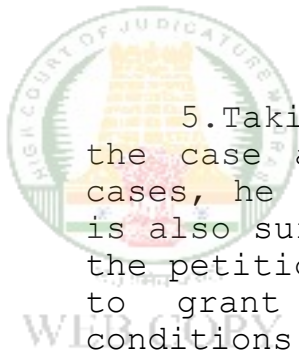
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (aaa), 4(1-A) of the Tamil Nadu Prohibition Act and Section 328 of IPC in Crime No.72 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police conducted an inspection in the house of A1 based upon the secret information, A1 was found in illegal possession of 38 brandy bottle. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated.

4.Heard the learned Additional Public Prosecutor appearing for the respondent.



5. Taking into consideration of the facts and circumstances of the case and though the petitioner involved in so many previous cases, he is the President of Kallapuliyur Villate Panchayat and he is also suffering from liver disease, the custodial interrogation of the petitioner is not required. Accordingly, 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 Judicial Magistrate No.II, Kumbakonam, 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 daily at 10.30 a.m and 05.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/03/2023

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/04/2023

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



To

1.The Judicial Magistrate No.II,
Kumbakonam.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M. MOHAMED RIYAZ Advocate SR.No.5153 (I), dated
30.03.2023

ORDER

IN

CRL OP(MD) No.6033 of 2023

Date :30/03/2023

ED/CG/SAR-3 (05/04/2023) 3P 6C