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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2023

PRESENT

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

CRL OP(MD)No.8226 of 2023

Thiruvengadam

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Karur Town Police Station,
Karur.
(Crime No.523 of 2019)

... Respondent/Complainant

For Petitioner : Mr.S.Gokul Raj,Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.523 of 2019 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 offences punishable under Sections 4(1) (aaa), 4(1)(i), 4(1-A) of the Tamil Nadu Prohibition Act in Crime No.523 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and another accused were in illegal possession of 10 bottles of black pearl brandy and on verification, the respondent police came to know that without proper permission, the accused persons were selling the
<https://www.mca.gov.in/> bottles. Hence, the case.



3. Heard both sides and perused the materials available in the record.

4. It is seen that the petitioner already involved 18 previous cases, which are similar in nature. The crime of the year 2019 and investigation is still pending. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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.I, Karur, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[c] the petitioner shall report before the respondent Police, daily morning at 10.30 A.M., and evening 05.00 P.M., for a period of four weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/04/2023

/ TRUE COPY /

/05/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KARUR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
ALAGARKOVIL, MADURAI.

+1 CC to M/s.GOKUL RAJ.S, Advocate (SR-6950[I] dated 28/04/2023)

ORDER
IN
CRL OP(MD) No.8226 of 2023
Date :28/04/2023

PKP/BUC/SAR- /30.05.2023/ **3P/7C**