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

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.8576 of 2023

Rengaraju ... Petitioner / Accused No.2

Vs

The State represented by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(In Crime No.141 of 2023) ... Respondent / Complainant

For Petitioner : Mr.P.Ganapathi Subramanian, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.141 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4 (1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937, in Crime No. 141 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that when the police officials were in usual surveillance near Keeranur Lakshmi Theatre TASMAC Shop No.6547, the first accused was found in illegal possession of 36 bottles of liquor and further he confessed that he purchased the liquor bottles from TASMAC shop as per the direction of the petitioner/A2. Hence, the complaint.

3. On the side of the petitioner, it is stated that the recovery has been made only from the first accused and he is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

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4. On the side of the prosecution, it is stated the offence is very serious in nature and the petitioner is having five previous case, which are similar in nature. However, he is fairly admitted that the co-accused was already released on bail and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and also the fact that the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Keeranur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am for a period of four weeks and thereafter as and when required;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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];*** and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/05/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Judicial Magistrate,
Keeranur.

2.Do through the Chief Judicial Magistrate,
Pudukottai District.

3.The Inspector of Police,
Keeranur Police Station,
Pudukottai District.

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

ORDER
IN
CRL OP(MD) No.8576 of 2023
Date :04/05/2023

ED/BUC/SAR-4 (08/05/2023) 3P 5C

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