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CRL OP(MD).



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

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9119 of 2023

Periyasmay

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
PEW-Thiruverambur Police Station,
Trichy District.
(Crime No.475 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Arunraj.K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.475 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(aa) r/w 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.475 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.05.2023 at about 05.00 a.m., the respondent Police conducted inspection. During the relevant point of time, the petitioner was found in possession of 395 bottles of brandy. Hence, the case was registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He has been arrested and released on bail. However, he would



further submit that the petitioner, without prejudice to him, is ready to deposit the amount that may be imposed by this Court.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit two previous cases which are similar in nature are pending against the petitioner.

5. Considering the facts and circumstances of the case and also the fact that A1 was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non-refundable deposit to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625023 (A/c No.496039124, IFSC code: IDIB000H040), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Musiri.

7. On production of such receipt/acknowledgment, 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 of receipt of a copy of this order, before the Judicial Magistrate, Musiri, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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].



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(f)if the accused / petitioner thereafter absconds, a : [R
can be registered under Section 229-A IPC.

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

ssb

TO

- 1.THE JUDICIAL MAGISTRATE, MUSIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE INSPECTOR OF POLICE,
PEW-THIRUVERAMBUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE OFFICER IN CHARGE,
MADRAS HIGH COURT MADURAI BENCH ADVOCATE CLERK'S
WELFARE ASSOCIATION, MADURAI-625023

+1 CC to M/s.ARUNRAJ.K, Advocate (SR-7627[I] dated 19/05/2023)

ORDER
IN
CRL OP(MD) No.9119 of 2023
Date :18/05/2023

RK/SAR-(25/05/2023) 3P/7C