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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.8949 of 2023

Ponnusamy

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.87 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Venkatasubramaniyan.S,
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.87 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 offences punishable under Sections 4(1) (a), 4(1-A), 4(1)(i) and 24A of Tamil Nadu Prohibition Act in Crime No.87 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.05.2023, the first accused was in illegal possession of 17 bottles of 180 ml Express brandy liquor and some other bottles, totally 40 bottles of TASMAL liquor for selling it during odd hours. This petitioner / second accused has given tablets for mixing in the liquor bottles. The first accused has sold 19 bottles of liquor and therefore, 21 bottles of liquor were seized along with Rs.3,390/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as



alleged by the prosecution. The petitioner is the second accused and he is implicated in this case only based on the confession of the first accused.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would also concede that the petitioner was implicated as an accused only based on the confession of the first accused.

5.Considering the facts and circumstances of this case and the fact that the petitioner / second accused was implicated as an accused only based on the confession of the first accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten 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, Peraiyur, Madurai District.

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, Peraiyur, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (of which one shall be a blood related surety) 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 twice in a week i.e., on every Sunday and Tuesday at 10.30 am., 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

<https://www.courtsofjudiciary.gov.in/judges> K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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23

[f] if the accused / petitioner thereafter absconds, sh
FIR 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.

MBI

TO

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

COPY TO

THE OFFICER INCHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8949 of 2023

Date :18/05/2023

RS//SAR-(25.05.2023) 3P 6C