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CRL OP(MD).



23

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.9001 of 2023

Arasu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
(Crime No.117/2023)

... Respondent/Complainant

For Petitioner : Mr.Murugesan.D.R.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.117 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)
and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.117 of 2023 on
the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.04.2023, the first
accused was in illegal possession of 41 brandy bottles of 180 ml.
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 t
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.5,000/- (Rupees Five 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 District Munsif cum Judicial Magistrate, Peravurani, Thanjavur 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 District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District, 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 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] if the accused / petitioner thereafter absconds,
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI,
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR 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-625023.

ORDER

IN

CRL OP(MD) No.9001 of 2023

Date :18/05/2023

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