



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.9046 of 2023

WEB COPY

Natraj Nirmal

... Petitioner/Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Sivagangai Police Station (PEW),
Sivagangai Distrit.
(Crime No.178 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate
For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.178 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

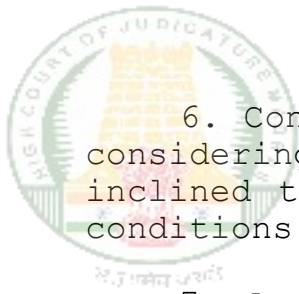
The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections.4 (1)(aaa), 4(1A)-420, 468, 471 of I.P.C., in Crime No.178 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner had illegally transported the liquor bottles near Madhugupatti Perungudi Road. The respondent police recovered the liquor bottles. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He is no way connected with the offence

4. The learned Government Advocate(Cri.Side) appearing for the respondent would submit that there are three previous cases are pending against the petitioner. The investigation in this case is also in progress. Therefore, he strongly objected for the grant of anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.



6. Considering the facts and circumstances of the case considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 No.2, Sivagangai District.

8. 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 NO.2, Sivagangai, 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 Sunday 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]**.

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

sd/-

18/05/2023

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/05/2023

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

sbn



TO

1 THE JUDICIAL MAGISTRATE NO.2, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

WEB COPY

3 THE INSPECTOR OF POLICE, SIVAGANGAI POLICE STATION (PEW),
SIVAGANGAI 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.

+1 CC to M/s.R.L.DHILIIAN PANDIAN, Advocate (SR-7781[I] dated
22/05/2023)

ORDER

IN

CRL OP(MD) No.9046 of 2023

Date :18/05/2023

RS//SAR-(26.05.2023) 3P 7C