



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/06/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10956 of 2023

1. Micheal @ Raja
2. Arivukumar

... Petitioners / Accused No.3 & 4

Vs

State through
The Sub Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.70 of 2023.)

... Respondent / Complainant

For Petitioners : M/s.Balaji A, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.70 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under section 328 I.P.C r/w. Section 4(1)(a) and 4(1)(i) and 24 of Tamil Nadu Prohibition Act, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused found in illegal possession of 240 liquor bottles (each containing 180 ml) along with cash Rs.5,890/-. Hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. Considering the facts and circumstances of the case, the Court is inclined to grant anticipatory bail to the



petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Rajapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 failing which, the petition for anticipatory bail shall stand dismissed and on further condition that

(a) the petitioners 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) each of the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) (Totally Rs.1,00,000/-) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) and shall produce the receipt before the concerned Magistrate at the time of executing sureties and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

20/06/2023

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/06/2023

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



To

1.The Judicial Magistrate,
Rajapalayam.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Sub-Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

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

Copy to:

The Officer Incharge,
M.S.Chellamuthu Trust and Research Foundation,
Alagarkovil, Madurai.

+1CC to M/s.A.BALAJI, Advocate, SR-9282(I), dated 21.06.2023.

ORDER

IN

CRL OP(MD) No.10956 of 2023

Date :20/06/2023

ED/BUC/SAR- (26/06/2023) 3P 7C