



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

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11809 of 2023

Rajkumar ... Petitioner / Accused No.3

Vs

State rep by
The Inspector of Police,
PEW Pattukottai Police Station,
Thanjavur District
(Crime No.469 of 2023). ... Respondent / Complainant

For Petitioner : M/s.Murugesan D R, 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.469 of 2023 on the file of the respondent police.

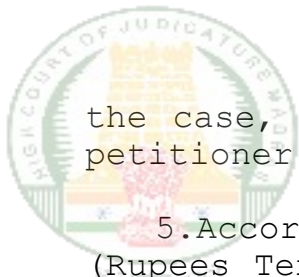
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (a), 4(1)(i) and 4(1)(k) r/w 4(1-A) of TNP Act, in Crime No.469 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 were found in illegal possession of 10ml Monitor Brandy Bottles with cash of Rs.400/- and some other water bottles with a view to sell them privately without permission. Based on their confession, the petitioner has been implicated as an accused. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report. It is reported that the petitioner is having two previous cases.

<https://www.mhc.tn.gov.in/> Taking into consideration of the facts and circumstances of



the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.469 of 2023 on the file of the learned Judicial Magistrate, Peravurani, without prejudice to his rights and contentions.

6. On such deposit being made 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 on which the order copy made ready, before the learned Judicial Magistrate, Peravurani, 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 respondent police or 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 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 Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with 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/-
30/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1. The Judicial Magistrate, Peravurani.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
PEW Pattukottai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.11809 of 2023

Date :30/06/2023

ED/ /SAR- (10/07/2023) 3P 5C