



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

Date : 30.06.2023

PRESENT

WEB COPY

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

CRL OP(MD)No.11923 of 2023

Arjunan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
PEW-Pattukottai,
Thanjavur District.
(Crime No.401 of 2023)

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu, 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.401 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1)(i), 4(1)(h) and 4(1-A) of TN Prohibition Act in Crime No.401 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 21.05.2023, when the respondent police was on regular patrolling duty, the accused, on seeing the police party fled away by leaving two wheeler. On search, 23 numbers of 180 ml TASMAL brandy liquor bottles were found. Hence, the case.

3.Heard both sides and perused the materials available in the record.

4.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall file an undertaking affidavit before the Court below stating that he will not involve in similar offence in future. If the petitioner involves in similar offence, the respondent police is at liberty to secure him.



5. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Orathanadu, 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 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) 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 the bond and on such deposit being made, the learned 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 two 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].

[h] 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.



1 THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PEW PATTUKOTTAI, THANJAVUR 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.

ORDER
IN
CRL OP (MD) No.11923 of 2023
Date : 30/06/2023

SS/11/07/2023/3P/6C