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

Date : 05/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12058 of 2023

Kumaran @ Muthukumar

... Petitioner / Accused No.2

Vs

The State, represented by
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Crime No.231 of 2023).

... Respondent / Complainant

For Petitioner : Mr.Rameshkumar.D, Advocate.

For Respondent : B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.231 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(a), 4(1-A) of TN Prohibition Act, in Crime No.231 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused was found in illegal possession of liquor and the same was recovered by the respondent Police.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent, he is no way involved in any such offence and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioner is the owner of the Bar and is not having any previous cases which are similar in nature.



5. Since the petitioner is the owner of the Bar, this Court directed the petitioner on 03.07.2023 to file an undertaking affidavit. Now, the petitioner has filed an undertaking affidavit that he will not indulge in similar activities in future.

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6. Considering that the petitioner has filed an undertaking affidavit that he will not indulge in similar activities in future and considering the fact that the petitioner is not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Pudukkottai, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall issue vacate notice against the tenant as and when required and shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
05/07/2023

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

INDU

TO

1. The Judicial Magistrate No.I,
Pudukkottai.
2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.
3. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.



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CRL OP(MD). N



23

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

ORDER

IN

CRL OP (MD) No.12058 of 2023

Date :05/07/2023

ED/ /SAR- (08/07/2023) 3P 5C