



CRL OP(MD)No.15954 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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M.Marirajan

... Petitioner/ Accused No.2

Vs

**State Rep.by
The Inspector of Police,
PEW-Srivilliputhur,
Virudhunagar District.
(Crime No.436 of 2019)**

... Respondent/ Complainant

For Petitioner : Mr.R.Alagumani,Advocate

**For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Crime No.436 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for



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the offences punishable under Section 4(1-A) of the Tamil Nadu Prohibition Act (Transport) in Crime No.436 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.01.2014, when the respondent police along with police party were in the vehicle check up, they intercepted and searched one two wheeler(Passion Pro) bearing Reg.No.TN 84 P 5823 and they found 28 liquor bottles each contained 750 ml., liquor and two bottles, each contained 500 ml., liquor. When they enquired, the driver of the vehicle confessed that he was transporting and selling liquor, without any valid licence or permission. Hence, the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner was absent during the trial in PRC.No.14 of 2022 before the learned Judicial Magistrate No.II, Srivilliputhur. Therefore, Non-Bailable Warrant came to be issued. The petitioner's son is mentally challenged person and he is taking treatment in Goa. Therefore, the petitioner is residing in Goa. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that investigation in this case completed and charge sheet filed in PRC.No.14 of 2022 before the learned Judicial Magistrate No.II, Srivilliputhur petitioner. Due to non appearance of the



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petitioner, the learned Magistrate issued NBW on 05.08.2022.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering that the petitioner was staying in Goa for taking treatment of his son and unable to appear before the trial Court and considering the pending NBW and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

7.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 No.II, Srivilliputhur, 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 condition that:

[a] the petitioner shall report before the learned Judicial Magistrate No.II, Srivilliputhur on every Wednesday of English Calendar month at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.



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[d] 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].

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

sd/-
01/09/2023

/ TRUE COPY /

/09 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



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3 THE INSPECTOR OF POLICE
PEW SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-13133[I] dated 04/09/2023)

ORDER
IN

CRL OP(MD) No.15954 of 2023

Date :01/09/2023

PKP/VRS/SAR- /21.09.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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