



**CRL OP(MD)No.15911 of 2023**

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**( Criminal Jurisdiction )**

**Date : 01.09.2023**

**PRESENT**

**The Hon`ble Mr.Justice P. DHANABAL**

**CRL OP(MD)No.15911 of 2023**

**M.Marirajan**

**... Petitioner/ Accused No.5**

**Vs**

**State Rep.by  
The Inspector of Police,  
PEW-Sattur,  
Virudhunagar District.  
(Crime No.533 of 2014)**

**... 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.533 of 2014 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**



**CRL OP(MD)No.15911 of 2023**

the offences punishable under Section 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act(Transport) in Crime No.533 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner would contend that The petitioner was absent during the trial in STC.No.196 of 2015 before the learned Judicial Magistrate No.II, Aruppukottai. 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.

3.The learned Additional Public Prosecutor would submit that already bail was granted to the petitioner. However, due to non appearance of the petitioner, the trial Court issued NBW on 09.02.2021.

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

5.Considering the rival submissions on either side and considering the fact that already bail was granted to the petitioner and to take care of his son, he was stayed at Goa and thereby he was unable to appear before the trial Court and the trial Court also issued NBW, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest



**CRL OP(MD)No.15911 of 2023**

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, Aruppukottai, 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, Aruppukottai on every Monday 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.

[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].

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



**CRL OP(MD)No.15911 of 2023**

WEB COPY

[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  
ARUPPUKOTTAI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
PEW SATTUR,  
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



**CRL OP(MD)No.15911 of 2023**

+1 CC to M/s.R.ALAGUMANI, Advocate ( SR-13134[I] dated 04/09/2023 )

ORDER  
IN

CRL OP(MD) No.15911 of 2023

Date :01/09/2023

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

Madurai Bench of Madras High Court is issuing certified  
copies in this format from 17/07/2023