



CRL OP(MD). No.19368 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

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Sathish @ Sathishkumar

... Petitioner / Sole Accused

Vs

State Rep.by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(Crime .No.630/2023.)

... Respondent / Complainant

For Petitioner : Mr.P.Surliraja, Advocate
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 630/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937, in Crime No.630 of 2023, on the file of the respondent, filed this petition under Section 438 of Cr.P.C praying to grant an order of pre-arrest bail.



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2. The case of the prosecution is that on 02.10.2023, when the respondent Police was conducting vehicle check-up near Neyveli Vadapathy land, accused ran away from the spot, leaving 27 bottles of liquor. The respondent Police seized the said liquor bottles and registered a case in Crime No.630 of 2023 under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, 1937, against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner has no previous case. He is ready to obey any condition imposed by this Court. Hence, he prayed to grant pre-arrest bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the Police has seized 4.8 liters of liquor from the petitioner. The respondent-Police has taken samples and sent the same for chemical analysis. Respondent is awaiting for the Forensic Report. Hence, he objected to allow the petition. Further submitted that the petitioner has no previous case except the present one.

5. Heard on both sides. This Court has perused the records.

6. This Court has considered both side submissions. Admittedly, the petitioner has no previous case. He is first offender. Considering the nature of offence, with a view to give an opportunity to the petitioner to reform himself, this Court is inclined



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to grant an order of pre-arrest bail, however subject to the conditions to be imposed
infra. Accordingly, this Criminal Original Petition is allowed. Pre-arrest bail order is
granted to the petitioner subject to the following conditions:-

i) the petitioner is ordered to be released on bail in the event of his arrest or on his surrender before the (*) learned Judicial Magistrate, Pattukkottai within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the (*) learned Judicial Magistrate, Pattukkottai

(ii) the petitioner shall appear before the respondent police weekly twice ie., on every Monday and Friday at 10.00 a.m., until further orders;

(iii) the petitioner and the sureties shall affix their photographs and left thumb impression in the application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) If the petitioner absconds, a fresh FIR shall be registered under Section 229



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(A) of IPC;

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(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law, as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

(*)(Amended as per order of this Hon'ble Court in
CRL MP(MD).16083/2023 in CRL OP(MD).
19368/2023 dated 20.11.2023 by VSGJ)

/ TRUE COPY /

/11/2023

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

PNM

To

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
03/11/2023

1.The District Munsif cum Judicial Magistrate,
Orathanadu.

2.The Judicial Magistrate, Pattukkottai.

3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



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4.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

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

+1 CC TO MR.P.SURULIRAJA, ADVOCATE, SR-16484[I]

ORDER
IN

CRL OP(MD) No.19368 of 2023
Date :26/10/2023

ED/VRS /SAR- (02/11/2023) 5P / 5C
RS/DD /SAR- (27/11/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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