



CRL OP(MD). No.20153 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20153 of 2023

Rakesh,

... Petitioner/ Accused No.1

Vs

**State Rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.872/2023..**

... Respondent/ Complainant

**For Petitioner : M/s.Manimaran.K.R,Advocate.
For Respondent : RMS.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Crime No.872/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu

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



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Prohibition Act, in Crime No.872 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.10.2023, when the respondent police was in patrolling duty, the petitioner herein said to have illegally found in possession of 40 liquor bottles. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner herein has illegally found in possession of 40 liquor bottles worth about Rs.7,000/- and the same was recovered from him. He would further submit that no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the property has been recovered from the petitioner, this Court is inclined to grant



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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 or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall make a non refundable deposit of Rs.3,000/- (Rupees Three Thousand only) to the credit of Current Account No. 7567821433, Indian Bank, High Court Branch, Madurai (IFSC Code: IDIBI000H040), opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, towards Kalaingar Centenary Library and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.



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[d]the petitioner shall not tamper with the 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 is 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].

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

sd/-
09/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA



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TO
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- 1 THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-16139[I] dated 09/11/2023)

ORDER
IN
CRL OP(MD) No.20153 of 2023
Date :09/11/2023

PKP/VRS/SAR- /23.11.2023/ 5P/ 8C

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