



CRL OP(MD) No.1110 of 2024

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

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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SUDHAKARAN

... PETITIONER/ ACCUSED NO.4

Vs

THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
MADURAI DISTRICT.
(IN CRIME NO.64 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.DEEPAK.F Advocate

For Respondent :MR.B.NAMBISELVAN,Additional Public Prosecutor

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 64 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police
for the alleged offence under Sections 4(1)(aaa), 4(1-A), 4(1)(i), 14A Tamilnadu

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



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Prohibition Act in Crime No.64/2024, in Crime No.64 of 2024, on the file of the
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respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were found with illegal possession 860 bottles of ID arrack, each contain 750 ml. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he further submitted that the petitioner, is ready to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Sakthi Vidiyal Home, Muthupatti, Madurai-625 003, Account No.3811000301886 and Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with the other accused persons were found in illegal possession of 860 bottles of ID arrack, each contain 750 ml and also submitted that six previous cases are pending against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and the allegation levelled against the petitioner and also considering the antecedents of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 No.VI, Madurai, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Sakthi Vidiyal Home, Muthupatti, Madurai-625 003, Account No.3811000301886 and Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai,



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without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;



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(h) if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
31/01/2024

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/02/2024

Sub-Assistant Registrar (CS- I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1.THE JUDICIAL MAGISTRATE NO.VI, MADURAI, MADURAI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING, MADURAI DISTRICT.

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

COPY TO
THE OFFICER IN CHARGE,
SAKTHI VIDYAL HOME, MUTHUPATTI, MADURAI-625 003,

+1 CC to M/s.F.DEEPAK, Advocate (SR-1213[I] dated 31/01/2024)

ORDER
IN

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Date :31/01/2024

RK/VR (06/02/2024) 5P / 7C

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