



CRL OP(MD) No.1900 of 2024

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

Thursday, the Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1900 of 2024

1 K.RAJKUMAR

2 M.SENTHIL VELMURUGAN @ SENTHIL

... 1ST & 2ND PETITIONERS
/ 5TH & 6TH ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
PEW-SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.69 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.SURIYAKUMAR, Advocate

For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.69 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 4(1)(aa) and 24 of Tamil Nadu Prohibition Act, in
Crime No.69 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 30.01.2024, when the respondent Police

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



CRL OP(MD) No.1900 of 2024

was on patrol duty, the petitioners were found in illegal possession of 300 bottles of liquor each containing 180 ML. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. So, he prays for granting anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners are the employees of the TASMACH shop and they illegally selling the liquor bottles to the bar man and the bar man selling the same on higher price to the public. Further, investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Accordingly, the petitioners are granted anticipatory bail and they are is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two



CRL OP(MD) No.1900 of 2024

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

(c)the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks, thereafter, they shall report before the respondent Police as and when required;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



CRL OP(MD) No.1900 of 2024

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-

08/02/2024

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/02/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE SUB INSPECTOR OF POLICE, PEW-SRIVILLIPUTHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.1900 of 2024

Date :08/02/2024

RS/VR/SAR-(12.02.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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