



CRL OP(MD) No.2221 of 2024

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2221 of 2024

C.BAKIYARAJ

... PETITIONER / ACCUSED 2

Vs

THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT,
CRIME NO.388/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MURUGANANTHAM.P Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.338/2023 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 the alleged offence under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.338 of 2023, seeks anticipatory bail.



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2. The case of the prosecution is that on 22.12.2023, on secret information, the respondent Police were on raid and found the first accused in possession of 10 bottles of Black Pearl brandy and 5 bottles of Mclene Brandy with poisonous smell in bag and during investigation, the first accused told that he purchased the brandy from the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.20,000/- to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for the welfare of the girl students studying in the School, and hence, he prays for anticipatory bail.

4.The learned Government Advocate (CrI.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner has sold the brandy bottles which were in poisonous smell to the first accused.

5.Considering the facts and circumstances of the case and the submission made by the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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



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a copy of this order, before the learned Judicial Magistrate No.III, Tiruchirappalli, 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)as per the undertaking given by the petitioner, the petitioner is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for the welfare of the girl students studying in the School, without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner; The Headmaster of the said School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy



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of their Aadhar card or Bank pass Book to ensure their identity;

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(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;

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

sd/-

13/02/2024

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



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SSB

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT,

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

COPY TO:

THE HEAD MASTER / HEAD MISTRESS,
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
ULAGANERI, Y.OTHAKADAI,
MADURAI

ORDER
IN

CRL OP(MD) No.2221 of 2024

Date :13/02/2024

SA/GS/SAR. /21.02.2024/5P/6C

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