



CRL OP(MD) No.2723 of 2024

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

Wednesday, the Twenty First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2723 of 2024

1 KRISHNAN

2 VIJAYASANTHI

... PETITIONERS/ ACCUSED NOS.1&2

Vs

THE INSPECTOR OF POLICE
THIRUVERUMBER POLICE STATION,
TRICHY DISTRICT.
CRIME NO.24/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.ARUMUGAM.C.M Advocate

For Respondent : MR.S.MANIKANDAN,
Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.24/2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a), 4(1)(i) and 4(1-A) of Tamil Nadu Prohibition Act, in Cr.No.24 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 217 bottles of alcohol worth about Rs.3,230/-. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.25,000/- to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District and hence, he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners were found in possession of 217 bottles of alcohol illegally worth about Rs.3,230/- and A1 is having one previous cases and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the allegation levelled against the petitioners, this court is inclined to grant anticipatory



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bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are 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 Judicial Magistrate Court No.VI, Trichirappalli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 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)(i) as per the undertaking given by the petitioners, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) jointly in the name of the Narasingam Village Panchayat-225262 [Account No.7387086170; MICR Code: 600019053 CIF No: 03262384860, IFSC Code: IDBI000S004, Indian Bank, Saidapet Branch, Chennai], for restoration of Kanmai, without prejudice to their rights and contentions before the trial Court and produce the



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receipt/acknowledgment before the trial Court while executing the sureties;

(ii) the President of Narasigam Village Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, are directed to carryout the restoration works as mentioned above in the Kanmai around Othakadai and Narasingam areas in Madurai using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks from the date of receipt of a copy of this order.

(c)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;

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

(f)the petitioners shall not abscond either during investigation or



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

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

sd/-
21/02/2024

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/02/2024
Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1.THE JUDICIAL MAGISTRATE COURT NO.VI,
TRICHIRAPPALLI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI.



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3 THE INSPECTOR OF POLICE
THIRUVERUMBER POLICE STATION,
TRICHY DISTRICT.

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

COPY TO

1.THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2.THE PRESIDENT OF NARASIGAM PANCHAYAT,
NARASINGAM.

3.THE BLOCK DEVELOPMENT OFFICER,
MADURAI EAST PANCHAYAT UNION,
MADURAI.

4.THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT,
MADURAI EAST CIRCLE,
MADURAI,

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-2236[I] dated 22/02/2024)

ORDER
IN
CRL OP(MD) No.2723 of 2024
Date :21/02/2024



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ED/ VR /SAR- (07/03/2024) 7P / 10C

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