



CRL OP(MD). No.8428 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.06.2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.8428 of 2024

Gandhi

... Petitioner/1st Accused

Vs

The State through the Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District,
[Crime No.207 of 2024]

... Respondent/Complainant

For Petitioners : Mr.V.Kannan, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.207/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police in connection with Crime No.207 of 2024, for the offence under Section 4(1-A) and 4(1)(i)



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of the Tamil Nadu Prohibition Act, 1937 has filed this petition seeking anticipatory bail.

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2.The case of the prosecution is the petitioner being the owner of a TASMAC bar instructed the second accused to lace the liquor with intoxicating capsules and to sell it for higher price. The respondent police have recovered 10 such liquor bottles from the second accused near the said TASBAC Bar.

3.The learned counsel appearing for the petitioners submits that petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and except the confession statement of the second accused, there is no material as against this petitioner.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submits that the petitioner is accused no.1, on whose direction only, accused no.2 has acted and 10 liquor bottles have been recovered. They were sent for chemical analysis and report is awaited. Therefore he opposes for grant of anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and as of now, there is no material as against the petitioner except the confession statement of accused no.2, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate No.1, Sivagangai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivagangai and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall appear before the respondent police as and when required by the respondent police. The petitioner shall co-operate for the investigation.



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iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

The petitioner shall be available for the trial as well.

iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
18/06/2024

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/07/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1. THE JUDICIAL MAGISTRATE NO.1, SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT,



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

+1 CC to M/s.V.KANNAN, Advocate (SR-6631[I] dated 19/06/2024)

ORDER
IN
CRL OP(MD) No.8428 of 2024
Date :18/06/2024

RK/JGB (03/07/2024) 5P / 6C

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