



CRL OP(MD). No.11478 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11478 of 2024

Saravanan,

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
Cr. No. 307/2024.

... Respondent/Complainant

For Petitioner : M/s Rajeshkumar.R,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 307 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A5, who apprehends arrest at the hands of the respondent police



CRL OP(MD). No.11478 of 2024

for the offence punishable under Section 4(1-A) of Tamil Nadu Prohibition Act, 1937, in Cr.No.307 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner and the other accused were found in possession of 139 numbers of liquor bottles worth about Rs.20,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused was released on bail by this Court in CrI.OP(MD)No.9814 of 2024 on 04.07.2024. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) would submit that the investigation is in preliminary stage and the petitioner is having 2 previous cases. However, he fairly conceded that the co-accused was released on bail by this Court.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CRL OP(MD). No.11478 of 2024

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Sivagangai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

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



CRL OP(MD). No.11478 of 2024

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(e) 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;

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

sd/-
25/07/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE No.I, SIVAGANGAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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CRL OP(MD). No.11478 of 2024

ORDER
IN
CRL OP(MD) No.11478 of 2024
Date :25/07/2024

SS/VR/SAR- /06/08/2024/5P/5C

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