



CRL OP(MD). No.12723 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12723 of 2024

Satheesh Kumar

... Petitioner/2nd Accused

Vs

**The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
Crime No.353 of 2024.**

... Respondent/Complainant

**For Petitioner : M/s. Kannan. V, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor**

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.353 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1-A), 4(1)(i) of Tamil Nadu Prohibition Act, 1937 in Crime No.353 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that A1 was found in illegal possession of 10 numbers of TASMAC Brandy Bottles. On enquiry, it was came to known that at the instigation of the petitioner, A1 has involved in selling alcohol bottles at a higher price. 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 petitioner is only the owner of the Bar and the total quantity of the liquor is within the permitted limit for individual consumption. There is no scope for him to know the purpose for which one is purchasing. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the investigation in this case is not yet completed. Hence, he strongly, opposed to grant anticipatory bail to the petitioner.

5.Considering the argument made by the learned counsel for the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of



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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 No.I, Sivagangai, Sivagangai District, 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 a.m, 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;

(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;

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



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

229-A IPC.

sd/-
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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, SIVAGANGAI DISTRICT

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

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

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

+1 CC to M/s.V.KANNAN, Advocate (SR-9547[I] dated 06/08/2024)

ORDER
IN

CRL OP(MD) No.12723 of 2024

Date :05/08/2024



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PSP/JGB/SAR /19.08.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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