



CRL OP(MD). No.13259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Vijayapandi

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District,
Crime No.349/2024.

... Respondent/ Complainant

For Petitioner : M/s.Rameshkumar.S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.349/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section4(1-A), 4(1)(i) of Tamil Nadu



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Prohibition Act,1937, in Cr.No. 349 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and other accused were in possession of 10 bottles of brandy without permission. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the overall facts and circumstances of the case and also considering the fact that the petitioner was found in possession of 10 bottles (180 ml bottles, ie.1.8 Litres) and the argument of the learned counsel for the petitioner that up to 4 ½ liters, a person can possess for personal consumption, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, this Petition is allowed and 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 No.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

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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 four weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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

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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/-

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Sub-Assistant Registrar

(C.S.I /II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

LS

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.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.RAMESHKUMAR, Advocate (SR-9986[I] dated 14/08/2024)

ORDER
IN

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Date : 13/08/2024

RD/SKN (22/08/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.