

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.7436 of 2019

K.SHANKAR

[PETITIONER / ACCUSED]

Vs

THE STATE,
REP BY ITS INSPECTOR OF POLICE,
VALAVANDHINADU POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.36 OF 2019

[RESPONDENT]

For Petitioner : M/S.A.M.ESAKKIAPPAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 4 (1) (e) and 4 (1-A) of the Tamilnadu Prohibition Act in Crime No.36 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 45 litres of I.D arrack. Totally there are two accused in this case and the present petitioner is A2.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.5,000/- to the Stanley Medical College and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that no previous case is pending against the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to the Stanley Medical College, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) directly to the **Dean, Stanley Medical College, Chennai**, and on such deposit 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Namakkal, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) directly to the **Dean, Stanley Medical College, Chennai** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioner 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
21/03/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VALAVANDHINADU POLICE STATION,
NAMAKKAL DISTRICT.

5 THE DEAN,
STANLEY MEDICAL COLLEGE,
CHENNAI.

+1CC to M/S.A.M.ESAKKIAPPAN Advocate on payment of necessary charges SR NO.5881

CRL OP.7436/2019

Date :21/03/2019

MK:22/03/2019

WEB COPY