



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1129 of 2019

JEGADESAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.25 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.KARUNANITHI, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aa) and 4(1-A) of Tamil Nadu Prohibition Act in Crime No.25 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused were found in possession of 438 liquor bottles.

3. The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and based on the confession of the first accused he has been implicated in this case. Further, he on instructions submitted that without prejudice to his right, the petitioner is ready to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Dean, Tanjore Medical College, for giving treatment to alcohol addicted persons.

4. The learned Government Advocate (Crl.Side) submitted that during enforcement duty the first accused was arrested for possessing the liquor bottles and on seeing the police officials the petitioner fled away from the place of occurrence.



5. Taking into consideration the nature of allegation against the petitioner and also the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 learned Judicial Magistrate No.II, Thanjavur 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Dean, Thanjavur Medical College for giving treatment for alcohol addicted persons, failing which this order shall stand automatically vacated without further reference to this Court.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[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 229-A IPC.

sd/-
05/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II, THANAJVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
THANJAVUR MEDICAL COLLEGE,
THANAJVUR.

ORDER
IN
CRL OP (MD) No.1129 of 2019
Date :05/02/2019

MS/PN/SAR-3/12.02.2019/3P.6C