



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2265 of 2019

D.LOKESHKUMAR

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
DINDIGUL,
DINDIGUL DISTRICT.
IN CRIME NO.192/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.SARAVANAGANDHI, Advocate

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

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

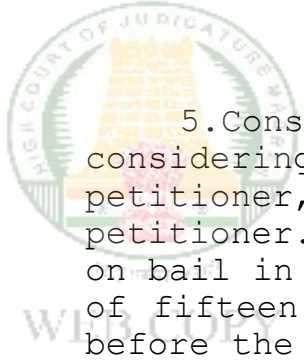
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1-aaa) and 4(1-A) of Tamil Nadu Prohibition Act and Sections 468, 471 and 476 IPC in Cr.No.192 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, the respondent police went to the occurrence place and found that the petitioner having 48 brandy bottles for sale illegally. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to deposit of Rs.10,000/- (Rupees Ten Thousand only) in favour of the Dean, Rajaji Medical College, Madurai, for the treatment of alcohol addicted persons.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is pending.



5. Considering the facts and circumstances of the case and considering the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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, Natham, Dindigul 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 learned 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.10,000/- (Rupees Ten Thousand only) in favour of the Dean, Rajaji Medical College, Madurai, for the treatment of alcohol addicted person;

(c) the petitioner shall report before the respondent daily at 10.30 am., until further orders ;

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

(e) the petitioners 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 petitioners 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;

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

sd/-
13/02/2019

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE, NATHAM,
DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING, DINDIGUL,
DINDIGUL DISTRICT

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

COPY TO: THE DEAN, RAJAJI MEDICAL COLLEGE, MADURAI

+1. CC to MR.V.SARAVANAGANDHI, Advocate SR.No.2997

ORDER
IN
CRL OP(MD) No.2265 of 2019
Date :13/02/2019

RMK
PK/PN/SAR-1/18.02.2019 : 3P/7C