



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

Friday, the Fifteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2398 of 2019

KESAVAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.50/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PITCHAI MUTHU 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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(a) & 4(1-A) of Tamilnadu Prohibition Act, in Cr.No.50 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.02.2018, when the respondent police was on regular patrolling duty, the accused was in possession of 50 Honey day 180 m.l., liquor bottles and upon seeing the police party the accused fled away by leaving his bag. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to his right, the petitioner is ready to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the Dean, Government Medical College, Thanjavur for giving treatment to alcohol addicted persons.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner was in possession of nearly 50 bottles along with him.



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. 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, Orathanadu, 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.3,000/- (Rupees Three Thousand only), by way of Demand Draft to the Dean, Government Medical College, Thanjavur for giving treatment for alcohol addicted persons before the execution of sureties, 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]**; and;

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

sd/-

15/02/2019

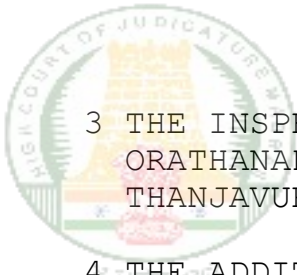
/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ORATHANADU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBakonam.



3 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.M.PITCHAI MUTHU, Advocate SR-3160

COPY TO:
THE DEAN,
GOVERNMENT MEDICAL COLLEGE,
THANJAVUR.

ORDER
IN
CRL OP (MD) No.2398 of 2019
Date :15/02/2019

JM/PN/SAR 3/21.02.2019/3P/7C