



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2526 of 2019

1 RAJKUMAR (POCKET RAJA)
2 RAJA

... PETITIONERS/ ACCUSED NO.4 & 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.220/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.MAHENDRAPATHY, Advocate

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

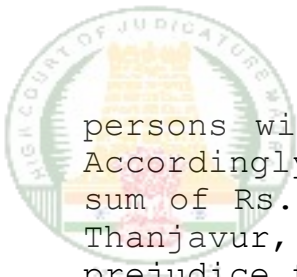
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 468, 471, 473, 485, 486, 120(b) of IPC and 5,7 TN Rules 2000, in Cr.No.220 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 14.12.2018, while the respondent police conducted a raid at Arokiya Nagar near Tamil University at that time one Balaji was enquired and the respondent police searched in the house belongs to one Jeyakumar and found 48 bottles of Brandy contains 180 m.l. and spirit and also labels and the entire contraband was recovered.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. However, on instructions, the learned counsel for the petitioners submitted that the co-accused in this case have been granted anticipatory bail by order dated 11.02.2019 in Crl.O.P.(MD).Nos.22837 & 22396 of 2018 on condition to deposit a sum of Rs.15,000/- to the credit of Dean, Medical College, Thanjavur for the welfare of the alcohol addicted



persons without prejudice to their defence before the trial Court. Accordingly, the petitioners are also ready and willing to deposit a sum of Rs.10,000/- each to the credit of the Dean, Medical College, Thanjavur, for the welfare of the alcohol addicted persons without prejudice to their defence before the trial Court.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail. However, anticipatory bail may grant by imposing stringent conditions.

5.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with a condition that each of the petitioners shall deposit a sum of Rs.10,000/- to the credit of the Dean, Medical College, Thanjavur, for giving treatment to the alcohol addict persons. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thanjavur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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) each of the petitioners shall deposit a sum of Rs.10,000/- to the credit of the Dean, Medical College, Thanjavur, for giving treatment to the alcohol addicted persons, without prejudice to their defence and produce the receipt before the trial Court;

(b)the petitioners 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;

(c)the petitioners shall report before the respondent police daily at 10.30 p.m., until further orders;

(d)the petitioners 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 petitioners 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/-

20/02/2019

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

TO

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

COPY TO:

THE DEAN, MEDICAL COLLEGE,
THANJAVUR.

+1. CC to Mr.S.MAHENDRAPATHY Advocate SR.No.3617

ORDER

IN

CRL OP(MD) No.2526 of 2019

Date :20/02/2019

MS/VR/SAR-1/25.02.2019/3P.7C