



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3135 of 2019

1 RAJKUMAR (POCKET RAJA)
2 BALAJI
3 ANGUSAMY @ ANGU

... PETITIONERS / ACCUSED
No.8,9 and 10

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR
Crime No.56/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.MAHENDRAPATHY Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. 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 Section 420, 468, 471, 473, 485, 486, 120(b) of IPC and Section 4 (1) (aaa), 4(1) (A) 4(1)(h) & Section 5 of TNP Act and Section 5 & 7 TN RS Rules 2000, in Cr.No.56 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioners are A8 to A10. They along with other accused persons having possession of 180 litres of spirit. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to his right, the petitioners are ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Dean, Government Medical College, Thanjavur, for giving treatment to alcohol addicted persons. Accordingly, he prayed for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that A8 in this case has three previous cases similar in nature and 302 IPC and A9 is having one previous case against him and A10 is also having three previous cases.

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5. Considering the facts and circumstances of this case and since the A8 first petitioner is having three previous case similar in nature, this Court is not inclined to grant anticipatory bail to the first petitioner. Considering the allegations levelled against the other petitioners, this Court inclined to grant anticipatory bail to the petitioners 2 and 3. Accordingly, the petitioners 2 and 3 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.I, Thanjavur, on condition that the petitioners 2 and 3 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) the petitioners 2 and 3 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 petitioners 2 and 3 shall deposit a sum of Rs.10,000/- (Rupees Ten 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 petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.



6. Accordingly, this criminal original petition is dismissed in respect of first petitioner.

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sd/-
28/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
THANJAVUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
 4. THE DEAN,
GOVERNMENT MEDICAL COLLEGE,
THANJAVUR.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.MAHENDRAPATHY Advocate SR.No.4212

ORDER
IN
CRL OP (MD) No.3135 of 2019
Date :28/02/2019

TK/PN/SAR-1/06.03.2019/3P/7C