



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3297 of 2019

SEENIPANDIAN @ SEENIPANDI

... PETITIONER / ACCUSED No. 1

Vs

STATE REP. BY ITS,
THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.25 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.J.KARTHICK 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 294(b), 353, 506(i) of IPC and 4(1)(i) of Tamilnadu Prohibition Act, in Cr.No.25 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.02.2019, when the respondent police was on regular patrolling duty, the accused was in possession of 2 bottles of Honey day Brandy each contains 180 m.l.,and and one bottle of Day Night Brandy containing 180 m.l., and enquiry the second accused persons stated that they are going to sell those bottles on the next day. 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.10,000/- (Rupees Ten Thousand only) to the Dean, Government Medical College, Tirunelveli for giving treatment to alcohol addicted persons.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.Side) appearing for the



State would submit that the petitioner was in possession of nearly 3 bottles along with him with an intention to sell them.

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, Sankarankovil, 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), by way of Demand Draft to the Dean, Government Medical College, Tirunelveli 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/-
04/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
SANKARANKOVIL, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO:- THE DEAN,
GOVERNMENT MEDICAL COLLEGE,
TIRUNELVELI

+1. CC to MR.R.J.KARTHICK Advocate SR.No.4238

ORDER
IN
CRL OP(MD) No.3297 of 2019
Date :04/03/2019

MSI/PN/SAR 4/07.03.2019/3P-7C