



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

Wednesday, the Thirteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3707 of 2019

RAJKUMAR, (POCKET RAJA)

... PETITIONER / ACCUSED NO.8

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
(CRIMR NO.56 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M. VASANTHAN 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 petitioner, who apprehends 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 Section 4(1) (aaa), 4(1) (A), 4(1) (h) & Section 5 of Tamilnadu Prohibition Act and Section 5 and 7 of TN 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 during the surprise inspection, the Law Enforcing Agency recovered 180 litres of spirit from the petitioner and other accused persons. Hence, the case has been registered.

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. However, the co-accused persons granted anticipatory bail in Crl.O.P.(MD).3135 of 2019 dated 28.02.2019 on condition to deposit a sum of Rs.10,000/- by way of Demand Draft to the Dean, Government Medical College, Thanjavur. However, in respect of this petitioner the petition was dismissed. However, the Law Enforcing Agency has not taken any steps to secure the person till date. Accordingly, he prayed for anticipatory bail



and the petitioner is ready to abide any condition to be imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the Crl.O.P.(MD).No.3135 of 2019 was dismissed in respect of this petitioner on 28.02.2019. Investigation is almost over.

5.This Court on earlier occasion dismissed the petitioner in respect of this petitioner on the ground that the petitioner is having three previous cases against him and the investigation is almost over. But, till the Law Enforcing Agency has not taken any steps to secure the person. Hence, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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 No.I, Thanjavur, 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)(i)the petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only), by way of Demand Draft to the Headmaster, Government Higher Secondary School, Manojpatti for the welfare of the school before the execution of sureties, failing which this order shall stand automatically vacated without further reference to this Court.

(ii)the Headmaster, Government Higher Secondary School, Manojpatti, is directed to produce the details of works completed for the said amount and proof of accounts and receipts before the concerned District Educational Officer;

(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;

<https://hcservices.ecourts.gov.in/hcservices/>
(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/-
13/03/2019

/ 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.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
 - 3.THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
 - 4.THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
MANOJPATTI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.M. VASANTHAN Advocate SR.No.4946

ORDER
IN
CRL OP(MD) No.3707 of 2019
Date :13/03/2019

TM
AE/PN/SAR-II/20.03.2019/3P/7C