



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3917 of 2019

NARAYANAMOORTHY

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.

Crime No.67/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN 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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 4(1) (a) r/w 4(1-A) Tamilnadu Prohibition Act, in Cr.No.67 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.03.2019 on receipt of secret information the respondent police conducted a raid. At that time the A1 along with another accused persons having found 10 bottles of liquor bottles and prepared to sell the same. 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. Further, he on instructions submitted that without prejudice to his right, the petitioner is ready to deposit a sum of Rs. 2,500/- (Rupees Two thousand and five hundred 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 10 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Papanasam, Thanjavur District, 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.2,500/- (Rupees Two thousand and five hundred 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/-
14/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE DEAN,
GOVERNMENT MEDICAL COLLEGE, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.4821

ORDER
IN
CRL OP (MD) No.3917 of 2019
Date :14/03/2019

TK/PN/SAR-4/18.03.2019/3P/7C