



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

Friday, the Fifteenth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3990 of 2019

1 KRISHNAMOORTHY,
2 MUTHUKUMAR @ CHINNA PAPPU, ... PETITIONERS / ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
THANJAVUR PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.
(CRIME.NO.133/2019) ... RESPONDENT / COMPLAINANT

For Petitioners : 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 petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4 (1)(aa) r/w.4(1-A) TNP Act in Cr.No.133 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners were in illegal possession of 20 litres of spirit and 183 bottle of liquor. However, on instructions, the learned counsel for the petitioners submitted that the petitioners are ready and willing to deposit a sum of Rs.25,000/- 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.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons.

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 the petitioners shall deposit jointly a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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.I, 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) petitioners shall deposit jointly a sum of Rs.25,000/- (Rupees Twenty Five thousand only), for giving treatment to the alcohol addicted persons, without prejudice to their defence 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/-

15/03/2019

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO-I,
THANJAVUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT .
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN,
MEDICAL COLLEGE,
THANJAVUR.

+1. CC to Mr. K.M. KARUNAKARAN Advocate SR.No.4961

PS/JC/SAR-2/18.03.2019/3P/7C

ORDER

IN

CRL OP(MD) No.3990 of 2019

Date :15/03/2019