



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

Thursday, the Twenty First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4177 of 2019

SUNDARAMOORTHY @ APPU

... PETITIONER /SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

CRIME NO.68 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR. K.M. KARUNAKARAN 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 :-

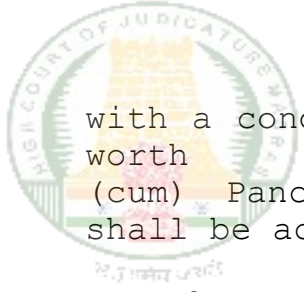
The petitioner who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a) & 4(1-A) of TNP Act in crime No. 68 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is found in possession of 384 bottles of liquor due to which a case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is innocent person. He would further submit that the petitioner is ready to deposit any amount to the Government school for the welfare of the students.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit some amount to the Government school for the welfare of the students, this Court is inclined to grant anticipatory bail to the petitioner



with a condition that the petitioner shall purchase bench and chair worth Rs.50,000/- and give them to Koranatu karuppur Natham (cum) Panchayat Union Elementary School and thereafter sureties shall be accepted.

6. Accordingly, the petitioner is 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.II, Kumbakonaom 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 is directed to purchase bench and chair worth Rs.50,000/- and give them to Koranatu karuppur Natham (cum) Panchayat Union Elementary School and thereafter sureties shall be accepted.

(b) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m until furthers

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

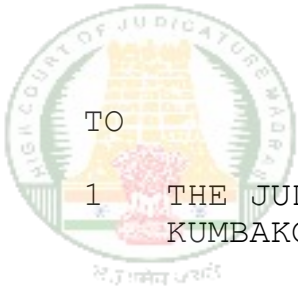
(e) the petitioner shall not abscond either during investigation or trial;

(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/-
21/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO II
KUMBAKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:- THE HEADMASTER,
KORANATU KARUPPUR NATHAM (CUM)
PANCHAYAT UNION ELEMENTARY SCHOOL,
THANJAVUR DISTRICT.

+1. CC to MR. K.M. KARUNAKARAN Advocate SR.No.5293

ORDER
IN
CRL OP (MD) No.4177 of 2019
Date :21/03/2019

MSI/PN/SAR 4/03.04.2019/3P-7C