



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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4511 of 2019

1 ANGUSAMY @ ANGU
2 BALAJI
3 SANTHOSH

... PETITIONERS / ACCUSED NO.1,3 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PEW KUMBAKONAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.219/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR. S. MAHENDRAPATHY 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 petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (aaa), 4(1-A) of TNP Act and Section 6 and 7 of TN RS Rules 2000 in Cr.No.219 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the the petitioners were found in possession of 35 litres of spirit.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence. He would further submit that the petitioners are ready to deposit any amount to the welfare of the students in any school. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail stating that there are three previous cases pending against the petitioners. However anticipatory bail may granted by imposing stringent conditions.

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

5.Considering the nature of the case, I am inclined to grant anticipatory bail to the petitioners with a condition that the



petitioners shall purchase and give Drinking water tap, fan, table with chair to the Government Higher Secondary School, Ayyempettai, Pappanasam (Taluk), Thanjavur District worth about Rs.50,000/-. Accordingly, the petitioners are 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 Judicial Magistrate No.III, 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) the petitioners are directed to purchase Drinking water tap, fan and table with chair and give them to the Government Higher Secondary School, Ayyempettai, Pappanasam (Taluk), Thanjavur District worth about Rs.50,000/- and thereafter sureties shall be accepted

(b) 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 a.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/-

26/03/2019

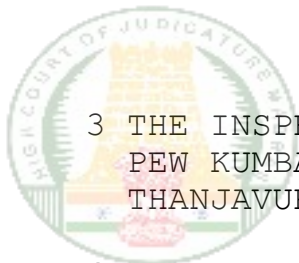
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJORE AT KUMBAKONAM.



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

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

+1 CC to M/s.S.MAHENDRAPATHY, Advocate SR-5654

COPY TO:

THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
AYYEMPETTAI, PAPPANASAM (TALUK),
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.4511 of 2019
Date :26/03/2019

JM/MMS/SAR 3/11.04.2019/3P/7C