



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5900 of 2019

1 SUDALAIKANNU
2 PARAMASIVAM
3 SUBRAMANIAN

... PETITIONERS / ACCUSED NO.1,2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
IN CRIME NO.118/2019,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR 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-A), 4(1)(i) of TNP Act in Cr.No.118 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners were found in illegal possession of 48 bottles of liquor. Hence the complaint.

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. However, on instructions, the learned counsel for the petitioners submitted that the petitioners are ready and willing to deposit a sum of Rs.10,000/- to the credit of the Dean, Medical College, Tirunelveli for the welfare of the alcohol addicted persons without prejudice to their defence before the trial Court.



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 a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of the Dean, Medical College, Tirunelveli 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, Nanguneri 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.10,000/- (Rupees Ten 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/-

24/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-7253[I] dated 25/04/2019)

COPY TO:
THE DEAN,
MEDICAL COLLEGE,
TIRUNELVELI.

ORDER
IN
CRL OP(MD) No.5900 of 2019
Date :24/04/2019

JM/JC/SAR 1/30.04.2019/3P/7C