



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6014 of 2019

SAKTHIMURUGAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.77/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.VISHNURAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

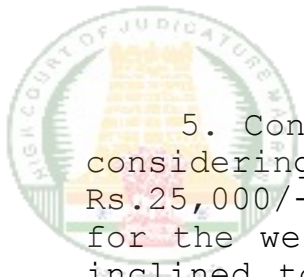
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 4 (1) (aaa) of TNP Act, 1957, registered in Cr.No.77 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a bar without license. On information, the respondent police have conducted the raid and recovered 558 bottles of liquor. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is willing and ready to pay Rs.25,000/- to Government High School, Kottaimedu, Ramnad District, which shall be utilized by the Headmaster/Headmistress of the said School, for repairing works in the Toilet. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there is no previous case against the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing and ready to pay Rs.25,000/- to Government High School, Kottaimedu, Ramnad District, for the welfare of the Students of the said Schools, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their surrender, within a period of fifteen days from the date of receipt of a copy of this order before the learned Judicial Magistrate, Kamuthi, Ramanathapuram 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 before whom they surrender and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b)(i) the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, Government High School, Kottaimedu, Ramnad District, which shall be utilized by the Headmaster/Headmistress of the School for repairing works in the Toilet.

(ii) the Headmasters/Headmistresses of the above said School is directed to carryout the welfare works as mentioned above in their School using the above said amounts and report the same with necessary proof of accounts, receipts and documents before the concerned District Educational Officer, within a period of eight weeks from the date of completion of repairing work. If any amount remaining, that may be furnished to the concerned District Educational Officer.

(iii) the petitioner shall make the above payment before the execution of bond and sureties.

(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 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**



(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/04/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.G.VISHNURAM, Advocate (SR-7442[I] dated 26/04/2019)

COPY TO:

1 THE HEADMASTER/HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
KOTTAIMEDU, RAMNAD DISTRICT.

2 THE DISTRICT EDUCATIONAL OFFICER,
RAMANATHAPURAM DISTRICT.

ORDER

IN

CRL OP(MD) No.6014 of 2019

Date :25/04/2019

JM/JC/SAR 1/29.04.2019/3P/8C