



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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6490 of 2019

1 KRISHNAMOORTHY @ PAPPU
2 MUTHUKUMAR @ CHINNA PAPPU

... PETITIONERS/ACCUSED No.3 & 4

Vs

THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.119/2019

... 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 :-

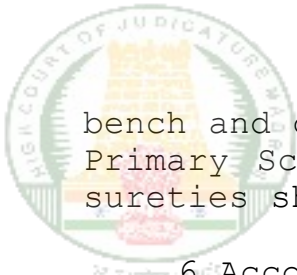
The petitioners, who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aa), 4(1)(k), 4(1-A) of Tamil Nadu Prohibition Act, in crime No. 119 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are found in possession of 318 bottles (each contain 180ml) of liquor, due to which a case has been registered.

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. He would further submit that the petitioners are 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 petitioners are 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 petitioners with a condition that the petitioners shall purchase



bench and chair worth Rs.25,000/- and give them to Venkateshwara Primary School, Ellaiamman Kovil Street, Thanjavur and thereafter, sureties shall be accepted.

6. 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) the petitioners are directed to purchase bench and chair worth Rs.25,000/- and give them to Venkateshwara Primary School, Ellaiamman Kovil Street, Thanjavur and file a proof at the time of sureties and thereafter, sureties shall be accepted.

(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 a.m until furthers

(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 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/-
30/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. I, THANJAVUR

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

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

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

COPY TO : THE HEADMASTER,
THE VENKATESHWARA PRIMARY SCHOOL,
ELLAIAMMAN KOVIL STREET, THANJAVUR

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.7906

ORDER

IN

CRL OP(MD) No.6490 of 2019

Date : 30/04/2019

DAS

PK/JC/SAR-1/08.05.2019 : 3P/7C