



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.739 of 2019

1 KUMARESAN
2 VENKATESAN

... PETITIONERS / ACCUSED NO.3 & 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TOWN EAST POLICE STATION,
THANJAVUR.
IN CRIME NO.478 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.MAHESWARAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

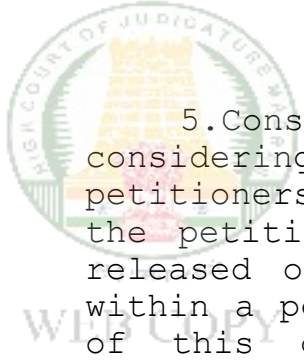
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aaa) and 4(1)(i), 4(1-A) of Tamil Nadu Prohibition Act in Cr.No.478 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that there are totally 4 accused in this case. Based on the secret information, the respondent police went to the occurrence place and found that the accused Nos.1 and 2 having brandy bottles for sale illegally. Based on the confession given by the co-accused, the petitioners are arrayed as accused.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to deposit of Rs.50,000/- (Rupees Fifty Thousand only) each in favour of the Dean, Thanjavur Medical College, Thanjavur for the treatment of alcohol addicted persons.

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



5. Considering the facts and circumstances of the case and considering the submission of the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of Dean, Dean, Thanjavur Medical College, Thanjavur for the treatment of alcohol addicted persons;

(c) the petitioners shall report before the respondent daily at 10.30 am., 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 petitioner 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/-

05/02/2019

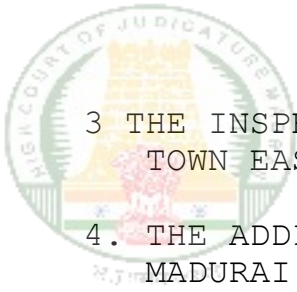
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANAJVUR.

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



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

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

WEB COPY

COPY TO:

THE DEAN,
THANJAVUR MEDICAL COLLEGE, THANJAVUR.

+1. CC to MR.R.MAHESWARAN Advocate SR.No.2394

ORDER

IN

CRL OP(MD) No.739 of 2019

Date :05/02/2019

MS/JC/SAR-2/08.02.2019/3P.7C