WEB COPY

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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.911 of 2019

MUTHUPANDI, ... PETITIONER / ACCUSED NO.4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TEPPAKULAM POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.
(CRIME.NO.27/2019) ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.BALAJI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. 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 Sections 4(1)(aaa) of the Tamil Nadu Prohibition Act, 1937 and 476 and 120 (b) IPC, in Cr.No.27 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that petitioner and other accused were in illegal possession of liquor and hence, a case has been registered against the petitioners. Totally 2854 bottles of liquor were seized.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that co-accused were enlarged with bail. However, on instructions, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.50,000/- to the credit of the Dean, Government Rajaji Hospital, Madurai, for the welfare of the alcohol addicted persons without prejudice to their defence before the trial Court.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail.

WEB COPY

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 petitioner with a condition that the petitioner shall deposit a sum of Rs.50,000/- to the credit of the Dean, Government Rajaji Hospital, Madurai, for giving treatment to the alcohol addict persons.

6.Accordingly, the petitioner is 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 learned Judicial Magistrate No.I, Madurai, 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 and on further condition that:

(a)the petitioner 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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;

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

sd/-
11/02/2019

/ TRUE COPY /

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

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

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO-I,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
TEPPAKULAM POLICE STATION, MADURAI CITY,
MADURAI DISTRICT.

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

+1. CC to Mr.A.BALAJI Advocate SR.No.2827

PS/JC/SAR-1/15.02.2019/3P/6C

ORDER
IN
CRL OP(MD) No.911 of 2019
Date :11/02/2019

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