

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6087 of 2020

1 KUMAR @ MEENKARA KUMAR
2 SURESH

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO.44 OF 2020

[RESPONDENT]

For Petitioner : M/S. K.T.S.SIVAKUMAR Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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 offences punishable under Sections 4(1) (g) of Tamilnadu Prohibition Act, in Crime No.44 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found in **possession of 2000 litres of ID Arrack in sintex tank each (500 litres). Hence, the complaint.**

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners were found in possession of 2000 litres of ID Arrack in sintex tank each (500 litres). He further submitted that there is no previous case as against the petitioners. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and taking note of the fact that the petitioners have come forward to deposit an amount of Rs.10,000/- (Rupees Ten Thousand only) each to **The Dean, Government Hospital, Thiruvannamalai**, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each directly to **The Dean, Government Hospital, Thiruvannamalai**, and on such deposit 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 on which the order copy made ready, before the **learned Judicial Magistrate-II, Thiruvannamalai**, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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.10,000/- (Rupees Ten Thousand only) each directly to the **The Dean, Government Hospital, Thiruvannamalai**, to enable the Incharge to use the aforesaid amount for the purpose of treating the inmates.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., and 05.30 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE DEAN,
GOVERNMENT HOSPITAL,
THIRUVANNAMALAI.

+1CC to M/S. K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR NO.5222

CRL OP.6087/2020

Date :17/03/2020

MK:21/05/2020