



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.5789 of 2020

Muruganandam

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Thanjavur,
Thanjavur District.
(Cr. No. 302/2020).

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 302 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (aaa) of Tamil Nadu Prohibition Act, in Crime No.302 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 01.04.2020, when the respondent Police conducted a ride near TASMACH Shop No.7910, at that

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time, the petitioner along with other accused standing there with an idea to sell the liquors illegally and on seeing the Police party, they flee away from the spot. On search, the respondent Police recovered different brands of 180 ml liquor bottles in 1152 Nos. Hence, the case.

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4. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in this case and he is nothing to do with the alleged offence. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights, the petitioner is ready to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that the petitioner along with other accused, illegally transported the liquor and on seeing the police, they ran away from the scene of occurrence. On search, the respondent Police recovered different brands of 180 ml liquor bottles in 1152 Nos.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Thanjavur, Thanjavur District and on his executing 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 learned Magistrate concerned;

(ii) The petitioners are directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) The petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C



(iv) 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

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

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
15/06/2020

/ TRUE COPY /

/ /2020
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,
PROHIBITION ENFORCEMENT WING,
THANJAVUR, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:-

THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR.

ORDER IN
CRL OP(MD) No.5789 of 2020
Date :15/06/2020

MPK
TE/JC/SAR-II : 17/06/2020 : 3P/6C

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