



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.5940 of 2020

1. Kumaresan

2. Vairam @ Vairakumar

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Nspector of Police,
Thanjavur Prohibition Enforcement Wing,
Thanjavur District
Cr.No.293 of 2020.

... Respondent/Complainant

For Petitioner : M/s. K.M.Karunakaran,
Advocate.

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

PRAYER :-

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest, in connection with Crime No.293 of 2020, on the file of the respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners 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.293 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they are no way connected with the

<https://hccs.cerpts.gov.in/services/>

He would further submit that only due to oblique



motives, the petitioners have been falsely roped in the above case. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice their rights, the petitioners are 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.

4. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that in this case, totally two accused and the petitioners are arrayed as A1 and A2. On 29.03.2020, the petitioners, illegally transported the liquor and on seeing the police, they ran away from the scene of occurrence.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

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

(i) Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.2, Thanjavur, and on their 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 their 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 petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

(iv). The petitioners 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.

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.2,
THANJAVUR,
THANJAVUR DISTRICT.

2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT

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

Copy to:

THE DEAN,
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.5940 of 2020

Date :15/06/2020

PD/VR/SAR 2/16.06.2020/3P/6C