



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

Date : 15/06/2020

PRESENT

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The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) .No.6060 of 2020

Kumaresan

... Petitioner/Accused No.1

Vs

The State represented through
The Inspector of Police,
Thanjavur Prohibition Enforcement Wing,
Thanjavur District.
(Crime No.302 of 2020)

... Respondent/Complainant

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

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

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

PRAYER :-

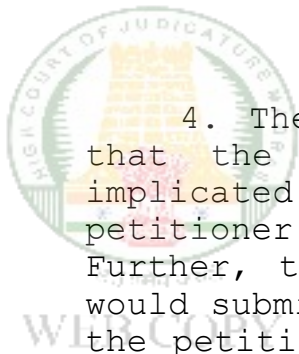
For Anticipatory Bail in Crime.No. 302 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 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 receipt of secret information, the defacto complainant, by name, Hemavathi, Inspector of Police, gave a complaint before the respondent police against the petitioner and others alleging that on 01.04.2020, some persons were carrying the liquor. At that time, the respondent police immediately conducted the raid and the accused persons were runaway in the spot and the liquor bottles were seized by the respondent. Hence, the complaint.



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in the above said case. He would further submit that the petitioner did not commit any offence as alleged by the prosecution. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice his rights and contentions, 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 District', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate(Criminal Side) submitted that the petitioner is in possession of liquor bottles. The learned Government Advocate (criminal side) has not raised any serious objections in granting anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner 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.I, Thanjavur 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 petitioner is 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 District', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights and contentions, 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 for a period of two weeks daily at 05.00 p.m and thereafter, as and when required for interrogation.

(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 themselves 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.

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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.

8. 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,
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.6060 of 2020
Date :15/06/2020

SKN/MPK

<https://hcs.courts.gov.in/rcservices/> 18.06.2020/ 3P/6C