



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.6229 of 2020

Shiva @ Shivan ... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Vadaseri Police Station,
Cr.No. 59 of 2020,
Kanyakumari District. ... Respondent/Complainant

For Petitioner : M/s. C.Susikumar, 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.59 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 14(A) and 4(1) (aaa) of Tamil Nadu Prohibition Act in Crime No.59 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the de facto complainant along with other deputed police officials were in surveillance near Ambedkar Nagar, Essakiammal Temple, wherein they inspected one Maruthi Omni Car bearing Registration No.TN 05 3726. On seeing the police party, the petitioner and another accused ran away from the spot. The respondent police seized DIAMOND XXX RUM-431 bottles and HONEY DAY 144 bottles, totally seized 575 bottled. Hence, the



complaint.

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

5. The learned Government Advocate (Criminal Side) has opposed to grant bail to the petitioner, since there were three previous cases against the accused and investigation is at the initial stage.

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-II, Nagercoil 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, Kanyakumari Medical College Hospital, Kanyakumari**', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice to 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 as and when required for the purpose of interrogation.

(iv) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to 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

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



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/-
16/06/2020

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, NO II,
NAGERCOIL,
KANNIYAKUMARI DISTRICT.
- 2 -DO- THRO
THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
VADASERI POLICE STATION,
KANNIYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:

THE DEAN,
KANNIYAKUMARI MEDICAL COLLEGE HOSPITAL,
KANNIYAKUMARI.

ORDER
IN
CRL OP(MD) No.6229 of 2020
Date :16/06/2020

PD/VR/SAR 3/18.06.2020/3P/6C