



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6411 of 2020

Thangavelu

... Petitioner/ Accused

Vs

State Rep.by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.118/2020

... Respondent/Complainant

For Petitioner : M/s.S.Balamurugan,
Advocate.

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

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

PRAYER :-

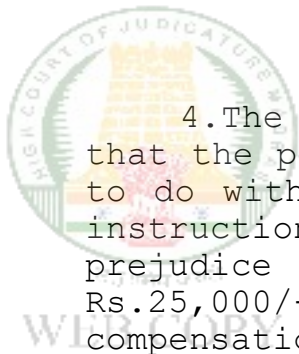
For Anticipatory Bail in Crime no.118 of 2020 on the file of the respondent police.

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); 4(1)(i) and 24 of Tamilnadu Prohibition Act, in Crime No.118 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 24.03.2020, when the respondent police conducted a vehicle check up due to COVID-19 Pandemic, accused 1 to 3 were found in possession of liquor bottles and on enquiry, they confessed that they bought all liquor bottles from the salesman of TASMAL Shop No.6987 of Alaikathavalasani, with the help of this petitioner. Hence, the respondent police registered a case and remanded the accused 1 to 3 and all are released on bail.



4.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A5 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, Madurai Medical College Hospital, Madurai', 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. He further submitted that the respondent Police recovered 383 bottles of liquor.

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 Court No.II, Ramanathapuram, 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, Madurai Medical College Hospital, Madurai**', 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 daily 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 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.



8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

19/06/2020

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/ /2020

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 utilized 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, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
MADURAI MEDICAL COLLEGE HOSPITAL,
MADURAI.

ORDER

IN

CRL OP(MD) No.6411 of 2020

Date :19/06/2020

MS/PN/SAR-3/22.06.2020/3P.6C