



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

Wednesday, the Twenty Fourth day of February Two Thousand and
Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2738 of 2021

ANGUSAMY

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 220 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mrs.S.PRABHA for
Mr.S.GOKULRAJ, Advocate

For Respondent : Mr.M.V.CHANDRASEKARAN,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as A1, who apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420, 468, 471, 473, 485, 486, 120(b) IPC and Section 49(1) (aaa), 4(1) (b)(5), 4(1-A) of Tamil Nadu Prohibition Act and Section 5 and 7 of Tamil Nadu Rectified Spirit Rules, 2000, in Crime No.220 of 2018, on the file of the respondent police seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that this is the second anticipatory bail petition. Earlier, in Crl.O.P(MD). No.22396 of 2018, this Court, by order, dated 11.02.2019, granted anticipatory bail to the petitioner with certain conditions. She further submitted that though the said order was communicated to the petitioner through the counsel, however he was not able to receive the order copy to execute the conditions and he went to Kerala for his livelihood. Thereafter, when he came to know that anticipatory bail was granted in his favour, immediately he came to his native



place for execution of the said order, however, the time for comply the conditional order was expired. Hence, he filed the present petition.

3. The learned counsel would further submit that due to the above said reasons, the petitioner is not able to execute the surety in time and he is not able to comply the conditions imposed by this Court and she prays to extend the time by imposing certain conditions to comply the order.

4. The learned Government Advocate (Crl. Side), appearing for the respondent police vehemently opposed for grant of anticipatory bail. However, anticipatory bail may be granted by imposing stringent conditions.

5. Considering the facts and circumstances of the case, this Court has granted anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.15,000/- to the credit of the Dean, Medical College, Thanjavur, for giving treatment to the alcohol addict persons. Now, this Court is inclined to modify the condition to the effect that the petitioner shall deposit a sum of Rs.25,000/- to the Dean, Medical College, Thanjavur, for the purpose of treatment to the COVID-19 patients. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur on condition that the petitioner shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

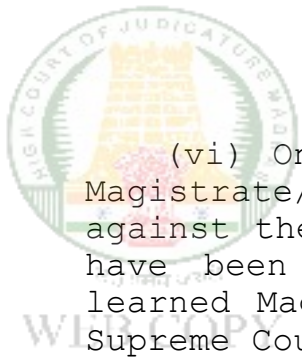
(i) the petitioner shall deposit a sum of Rs.25,000/- to the credit of the Dean, Medical College, Thanjavur, for giving treatment to the COVID-19 patients, without prejudice to his defence and produce the receipt before the trial Court;

(ii) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.



(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

sd/-
24/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN, MEDICAL COLLEGE, THANJAVUR.

+1 CC to Mr.S.GOKUL RAJ, Advocate (SR-1416[I] dated 24/02/2021)

ORDER
IN
CRL OP(MD) No.2738 of 2021
Date :24/02/2021

PJL
AE/SMA/SAR-III (01/03/2021) 3P / 7C