



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3052 of 2021

Angusamy @ Angu

... Petitioner/Accused No.10

Vs

State rep.by its
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
Crime No. 56 of 2019.

... Respondent/Complainant

For Petitioner : Mr.S.Gokulraj,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

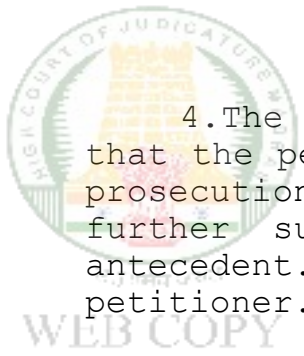
PRAYER :- For Anticipatory Bail in Crime No.56 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A10, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 468, 471, 473, 485, 486 and 120(b) of IPC and Sections 4(1)(aaa), 4(1-A), 4(1)(h) and 5 of TNP Act, and Sections 5 and 7 of TN RS Rules 2000, in Crime No.56 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 180 litres of Spirit. Hence, a complaint has been registered.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is not having any bad antecedent. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is having one previous case.

6.Initially the petitioner herein was granted anticipatory bail by this Court on 28.02.2019 on condition that the petitioner should deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) by way of Demand Draft to the Dean, Government Medical College, Thanjavur, for giving treatment for alcohol addicted persons within a period of 15 days. Thereafter, the petitioner was unable to comply with the condition within a stipulated time. Since the petitioner did not comply with the said direction, the present petition has been filed.

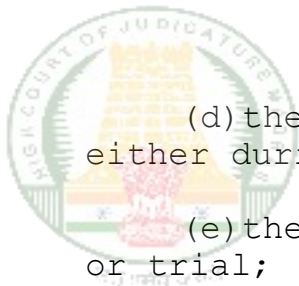
7.Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thanjavur District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)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;

(b)the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the Dean, Government Medical College, Thanjavur, for giving treatment for alcohol addicted persons before the execution of sureties, failing which this order shall stand automatically vacated without further reference to this Court.

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



(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

sd/-

19/03/2021

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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 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.I, THANJAVUR DISTRICT.

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

3.THE INSPECTOR OF POLICE,
MEDICUAL COLLEGE POLICE STATION, THANJAVUR DISTRICT.

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

COPY TO: THE DEAN, GOVERNMENT MEDICAL COLLEGE, THANJAVUR.

+1 CC to Mr.S.GOKUL RAJ, Advocate (SR-2326[I] dated 22/03/2021)

ORDER IN

CRL OP(MD) No.3052 of 2021

Date :19/03/2021

IAS

<https://hccs.gov.in/> 27/03/2021 3P / 7C