



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12012 of 2022

1 RAJKUMAR
2 TAMILVENDHAN

[PETITIONERS / ACCUSED]

Vs

THE STATE RPE. BY ITS
THE INSPECTOR OF POLICE,
P.E.W. NAGAPATTINAM,
NAGAPATTINAM DISTRICT.
(CRIME NO.573/2022)

[RESPONDENT]

For Petitioner : M/S.R.MURUGA BHARATHI Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

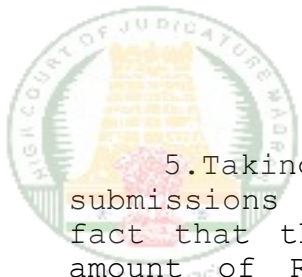
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 4(1)(aaa) read with 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.573 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 17.04.2022,the petitioners along with other accused were found in illegal possession of 110 litres of ID arrack. Hence,a case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instructions, he would further submit that the petitioners are ready to jointly deposit an amount of Rs.10,000/- to the Stanley Medical College and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused were found in illegal possession of 110 litres of ID arrack. He would further submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.



5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioners have come forward to jointly deposit an amount of Rs.10,000/- (Rupees Ten Thousand Only) to the Stanley Medical College, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean, Stanley Medical College, Chennai, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Nagapattinam, Nagapattinam District on condition that each of the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft to the Dean, Stanley Medical College, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGAPATTINAM, NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
P.E.W. NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN, STANLEY MEDICAL
COLLEGE, CHENNAI

CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges Sr.7727

CRL OP.12012/2022

Date :19/05/2022

RVR 23/05/2022