



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12985 of 2022

1 G.AZHAGAPPAN
2 ARIVAZHAGAN

[PETITIONERS / ACCUSED]

Vs

INSPECTOR OF POLICE
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.186 OF 2022.

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZHSELVAKUMAR Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor
Assisted by M/S.J.R.ARCHANA, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s. 4(1) (aaa) r/w 4 (1-A) of Tamil Nadu Prohibition Act in Crime No.186 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein are A2 and A3. They were found in possession of 110 liters of Pondy country liquor illegally. Hence, the complaint came to be registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they been falsely implicated in this offence. He further submits that based on the confession statement of A1, the petitioners were implicated falsely in this case. On instructions, he would further submit that the petitioners



without prejudice to their contentions, are ready and willing to pay separately a sum of Rs.5,000/- (Five Thousand Rupees) to any public organisation. Accordingly, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Additional Prosecutor appearing for the respondent submitted that the quantity of Pondy Country liquor involved in this case is 110 bottles. He further submitted that there is no previous cases pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the fact that there is no previous case against the petitioners and also taking note of the fact that the petitioners have come forward to pay Rs.5,000/- (Rupees Five Thousand only) each to any public organisation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed to pay separately Rs.5,000/- (Rupees Five thousand only) to Government Yoga and Naturopathy Medical College and Hospital, Arignar Anna Government Hospital of Indian Medicine Campus, Arumbakkam, Near Anna Arch, Chennai - 600 106, and produce the receipt/ acknowledgment before the learned Judicial Magistrate Court, Thiruvarur. The amount paid by the petitioners shall be utilized by the Medical College & Hospital for research activities in Naturopathy.

7.On production of the receipt or acknowledgement for such payment, the petitioners are ordered to be released on bail in the event of their 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 Court, Thiruvarur on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c] The petitioners shall pay a sum of Rs.5,000/- (Rupees Ten Thousand only) each.



[d]the petitioners shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
01/06/2022

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,
THIRUVARUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]
- 3 THE INSPECTOR OF POLICE
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.
- 4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
GOVERNMENT YOGA AND NATUROPATHY
MEDICAL COLLEGE AND HOSPITAL,
ARIGNAR ANNA GOVERNMENT HOSPITAL OF
INDIAN MEDICINE CAMPUS, ARUMBAKKAM,
NEAR ANNA ARCH, CHENNAI - 600 106

+1 CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges SR.NO. 8279

CRL OP.12985/2022

Date :01/06/2022

RW-03/06/2022