



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15360 of 2022

1 BUVANESWARAN
2 KAVITHA

[PETITIONERS/ ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE (CRIME)
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.
TAMIL NADU.
(CR.NO.236 OF 2022)

[RESPONDENT]

For Petitioner : M/S.G.RAMESH Advocate

For Respondent : MR.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 at the hands of the respondent police for the alleged offences under Sections 4(1)(a), 4(1-A), 14A of T.N.P. Act in Crime No. 236 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 23 litres of ID Arrack. Hence, the complaint was registered.

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 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 were found in possession of 23 litres of ID Arrack. He would also submit that there is no previous case pending against them. Hence, he vehemently 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 deposit an amount of Rs.10,000/- 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, Tindivanam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 petitioners shall jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly 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 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].

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

-sd/-

04/07/2022

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,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (CRIME)
MAILAM POLICE STATION,
VILLUPURAM DISTRICT,
TAMIL NADU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN,
STANLEY MEDICAL COLLEGE,
CHENNAI.

+1CC to M/S.G.RAMESH Advocate on payment of necessary charges
SR.No.10541

CRL OP.15360/2022

Date :04/07/2022

CSK 06/07/2022