



CRL OP(MD) No.423 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.423 of 2024

ANBALAGAN

... PETITIONER/ACCUSED RANK 2

Vs

THE INSPECTOR OF POLICE
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.516 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.DHILIPAN PANDIAN R.L. Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.516 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ A2, who is apprehending arrest at the hands of the respondent
police for the alleged offence under Section 4(1) (a) & 4 (1-A) of Tamil Nadu

Prohibition Act, in Cr.No.516 of 2023, on the file of the respondent police, seeks

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.423 of 2024

anticipatory bail.

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2.It is the case of the prosecution that the petitioner was in illegal possession of 19 litre of illicit arrack. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is innocent. However, on instructions, he submitted that the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the credit of the Dean, Government Rajaji Hospital, Madurai for the welfare of the alcohol addicted persons without prejudice to his defence before the trial Court.

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

5.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of the Dean, Government Rajaji Hospital, Madurai for giving treatment to the alcohol addict persons.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur,



CRL OP(MD) No.423 of 2024

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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only), for giving treatment to the alcohol addicted persons, without prejudice to their defence before the trial Court;

(b)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;

(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



CRL OP(MD) No.423 of 2024

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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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
VALLAM POLICE STATION,
THANJAVUR DISTRICT.

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



CRL OP(MD) No.423 of 2024

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-642[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.423 of 2024
Date :10/01/2024

SA/VR/SAR. /18.01.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.