



CRL OP(MD) No.1521 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the First day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1521 of 2024

RAJESH KANNAN @ RAJESH KANNA ... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.36/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MAHESWARAN.R Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.36/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/1st accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 4(1)(i) & 4(1)(aaa) of TN
Prohibition Act in Crime No.36 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 1256 numbers of brandy bottles and Rs.1,140/- cash and the same was seized by the respondent Police. Hence, the case.

3.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. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the Government Blind School, Ganapathi Nagar, Rajappa Nagar, Thanjavur Housing Unit, TJ Co-Operative Housing Colony, VOC Nagar, Thanjavur. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner and other accused persons were found in illegal possession of 1256 numbers of Brandy TASMAL liquor bottles. Further, he would submit that no previous case is pending against the petitioner and the second accused was arrested and released on bail by the concerned trial Court, this Court may consider the anticipatory bail for the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner and the co-accused was enlarged on bail by the concerned trial Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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.III, Thanjavur**, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of demand draft drawn in favour of the Headmaster, Government Blind School, Ganapathi Nagar, Rajappa Nagar, Thanjavur Housing Unit, TJ Co-Operative Housing Colony, VOC Nagar, Thanjavur, for providing facility to the welfare of the student and submit the proof of payment of the said amount before the concerned Court, within a period of two weeks, thereafter, sureties furnished by the petitioner shall be accepted by the concerned Magistrate;

(c) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police as and when required;

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

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

(g) 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



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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;

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

sd/-
01/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE HEADMASTER,
GOVERNMENT BLIND SCHOOL,
GANAPATHI NAGAR, RAJAPPA NAGAR,
THANJAVUR HOUSING UNIT, TJ
CO-OPERATIVE HOUSING COLONY,
VOC NAGAR, THANJAVUR

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-1369[I] dated 02/02/2024)

ORDER

IN

CRL OP(MD) No.1521 of 2024

Date :01/02/2024

SS/GS/SAR- /08/02/2024/6P/7C

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