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CRL OP(MD) No.2452 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2452 of 2024

SELVARAJ

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.19 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.VENKATESHWAR, Advocate

For Respondent : MR.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.19 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for
the alleged offence under Sections 4(1)(aaa), 4(1)(g) r/w. 4(1-A) of Tamil Nadu

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Prohibition Act, in Crime No.19 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner is the owner of a land property, where, the first accused was found in illegal possession of 120 litres of arrack and 5 numbers of 180 ml TASMAL liquor bottles and subsequently, the said liquor bottles were seized by the respondent Police. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Further, the petitioner is no way connected with the alleged offences and he is the owner of the land, where, the first accused was found with liquor bottles and arrack. However, on instruction, he would further submit that the petitioner, without prejudice to his right, is ready to deposit a sum of Rs.10,000/- to the credit of the Dean, Government Medical College Hospital, Thanjavur, for the welfare of the alcoholic addicted persons, hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner is the owner of the land. With knowledge of the petitioner only, the first accused illegally prepared

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the arrack in the petitioner's land. Further, no previous case is pending against the petitioner and the investigation is going on.

5.Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peravurani, 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)if the petitioner failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)(i) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) through demand draft in



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favour of the the Dean, Government Medical College Hospital, Thanjavur, for the welfare of the alcohol addicted persons, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(ii) the Dean, Government Medical College Hospital, Thanjavur, is directed to carryout the welfare works as mentioned above in their hospital using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(c)the sureties shall affix their 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 their identity;

(d)the petitioner 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;

(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;



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(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 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/-
20/02/2024

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

INDU

TO

1. THE JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO

- 1.THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2.THE DEAN,
GOVERNMENT MEDICAL COLLEGE HOSPITAL, THANJAVUR,

ORDER

IN

CRL OP(MD) No.2452 of 2024

Date :20/02/2024

RK/GS(27/02/2024) 6P / 7C

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