



CRL OP(MD) No.2558 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Nineteenth day of February Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.2558 of 2024

GUNASEKARAN

... Petitioner / Accused No.2

Vs

INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.44 OF 2024)

... Respondent / Complainant

For Petitioner : M/s.V.Vishnu, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.44 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)(aa) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.44 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on secret information, the respondent Police went to the Community hall near Matha Temple at Ammanpettai Village and



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they have found the accused persons, who were holding the gunny bags. On seeing the Police, they fled away from the scene of occurrence and on inspecting the bags, the respondent Police found 388 bottles of liquor. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.25,000/- to the Panchayat Union Primary School, Udayalur, Thanjavur District, for the welfare of the students studying in the School and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that seven previous cases were pending against the petitioner, out of which, four cases were disposed of and three cases are pending against the petitioner.

5.Considering the facts and circumstances of the case and the nature of allegation levelled 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on



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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;

(b)as per the undertaking given by the petitioner, the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Panchayat Union Primary School, Udayalur, Thanjavur District, without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner; The Head Master of the said school shall utilize the said amount for the welfare of the students;

(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



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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;

(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/-
19/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The Judicial Magistrate,
Thiruvaiyaru.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Maduri Bench of Madras High Court, Madurai.

Copy to:

The Headmaster,
Panchayat Union Primary School,
Udayalur, Thanjavur District.

ORDER

IN

CRL OP(MD) No.2558 of 2024

Date :19/02/2024

ED/ JGB /SAR- (14/03/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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