



CRL OP(MD) No.3751 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3751 of 2024

PANNERSELVAM

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
PEW PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.156/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.ANANDAN,
Advocate

For Respondent : MR.S.MANIKANDAN,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.156 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 4(1)(a), 4(1)(i), 4(1)(K) r/w 4



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(1-A) of TN Prohibition Act in Crime No.156 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that on 20.02.2024, when the respondent Police were conducted a raid within their jurisdiction, the petitioner and others were found in illegal possession of 46 bottles of liquor. Hence, the Law Enforcing Authority, registered a case against the petitioner.

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. Further, the petitioner is the owner of the bar building and there was no seizure from the petitioner. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.30,000/- to the Government Higher Secondary School, Cholapuram, for construction or renovation of toilets, hence, he prays for anticipatory bail. 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 was found in possession of 46 numbers of TASMAL liquor bottles. Further, no previous case is pending against the petitioner. If he is released on anticipatory bail, he will indulge in similar type of offence. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the



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fact that no previous case is pending against the petitioner, 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 Judicial Magistrate, Pattukkottai, 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;

(b)(i) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) through demand draft in favour of the Government Higher Secondary School, Cholapuram, Thanjavur District, for construction or renovation of toilets, 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 Headmaster/Headmistress of the above said school is directed to



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carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned Judicial Magistrate.

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

(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 daily at 10.30 a.m. until further orders;

(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;



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

sd/-
08/03/2024

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/03/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.

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

3 THE INSPECTOR OF POLICE, PEW PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO
THE HEADMASTER / HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
CHOLAPURAM, THANJAVUR DISTRICT.

+1 CC to M/s.B.ANANDAN, Advocate (SR-2928[I] dated 08/03/2024)

ORDER IN
CRL OP(MD) No.3751 of 2024
Date :08/03/2024

RS/JGB/SAR-(15.03.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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