



CRL OP(MD) No.3972 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3972 of 2024

SARAVANAN

... PETITIONER/1ST ACCUSED

Vs

THE INSPECTOR OF POLICE
KUMBAKONAM PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.
CRIME NO. 184 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN, 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.184 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a), 4(1)(j), 4(1)(k) r/w 4(1-A) and 24 of the Tamil Nadu Prohibition Act 1937, in Crime No.184 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 19 bottles of liquor (each containing 180 ml). 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 instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.5,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, without prejudice to his defence before the trial Court.

4.The learned Government Advocate (Crl. side) submitted that the petitioner and other accused were found in illegal possession of 19 bottles of liquor (each containing 180 ml) and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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.2, Kumbakonam, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of



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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)the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the Dean, Government Rajaji Hospital, Madurai, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(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;



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(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/-

13/03/2024

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/03/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.2, KUMBAKONAM, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KUMBAKONAM PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.

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

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



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THE DEAN, GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

+1 CC to M/s.K.M.KARUNAKRAN, Advocate (SR-3142[I] dated 13/03/2024)

ORDER

IN

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Date :13/03/2024

RS/GS/SAR-(18.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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