



CRL OP(MD) No.4272 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4272 of 2024

MURALI

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KUMBAKONAM PEW POLICE STATION,
THANJAVUR DISTRICT
CR. NO. 133 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.PANDIARAJAN.M, 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. 133 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 4(1)(a) r/w 4(1-A) of TN
Prohibition Act in Crime No.133 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that on 17.02.2024, when the respondent Police were conducted a raid within their jurisdiction, the petitioner was found in illegal possession of 30 numbers of TASMAL brandy liquor bottles, each containing 180ml. 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. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to the **Adidraavidar Welfare Primary School, Nachiyarkovil, Thanjavur District**, for the welfare of the students. 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 30 numbers of TASMAL liquor bottles. Further, ten previous cases are pending against the petitioner in similar nature. 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.



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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 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 No.I, Kumbakonam, 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 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.50,000/- (Rupees Fifty Thousand only) through demand draft in favour of the **Adidraavidar Welfare Primary School, Nachiyarkovil, Thanjavur District (School Code-33211002002)**, for welfare of the students, without prejudice



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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 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., for a period of two weeks, thereafter, 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 law as if the conditions have been imposed and the petitioner released on bail by the



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-
22/03/2024

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/04/2024

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.I
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM PEW POLICE STATION, THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEADMASTER/HEADMISTRESS,
ADIDRAVIDAR WELFARE PRIMARY SCHOOL,
NACHIYARKOVIL,
THANJAVUR DISTRICT
(SCHOOL CODE-33211002002),



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+1 CC to M/s.M.PANDIARAJAN, Advocate (SR-3599[I] dated 22/03/2024)

ORDER
IN
CRL OP(MD) No.4272 of 2024
Date :22/03/2024

SS/VR/SAR- /10/04/2024/6P/7C

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