



CRL OP(MD) No.4421 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4421 of 2024

DENIAL

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.62/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MURUGESAN.D.R, 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.62/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent
Police for the alleged offence under Sections 4(1)(a), 4(1)(i) and 4(1-A) of TNP Act, in
Crime No.62 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner and other accused were found in possession of 20 numbers of 150 ml Vorion brandy bottles. 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.20,000/- to the learned Judicial Magistrate, Peravurani, Thanjavur District, for constructing a toilet to the Members of the Bar Association and Staff without prejudice to his defence before the trial Court, 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 the investigation is yet to be completed. However, he fairly conceded that no previous case is pending against the petitioner.

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



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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 District Munsif cum Judicial Magistrate, Peravurani, 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) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) in favour of the learned Judicial Magistrate, Peravurani, Thanjavur District**, without prejudice to his rights and contentions before the trial Court and the petitioner is further directed to produce a copy of the Demand Draft before the trial Court, while executing the sureties; **Thereafter, the learned Judicial Magistrate shall spend the amount for constructing a toilet to the Members of the Bar Association and Staff;**

(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



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Bank pass Book to ensure their identity;

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(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;

(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/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

SJI



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TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI
- 2 THE JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.4421 of 2024

Date :20/03/2024

SS/VR/SAR- /25/03/2024/5P/6C

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