



CRL OP(MD) No.4493 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4493 of 2024

1 S.HENRIN EDWARD

2 V.SARAVANAN

... PETITIONERS/ ACCUSED NOS. 1 & 2

Vs

THE INSPECTOR OF POLICE
SETHUBAVACHATIRAM POLICE STATION,
THANJAVUR DISTRICT.
IN CR.NO.63 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S MUTHUKAMATCHI.V, 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. 63 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 4(1)(a) r/w. 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.63 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 21 TASMAC liquor bottles and subsequently, the said liquor bottles were seized by the respondent Police. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and the false case has been foisted against the petitioners. However, on instruction, he would further submit that the petitioners, without prejudice to their right, are ready to deposit a sum of Rs.5,000/- jointly to the credit of the Dean, Government Medical College Hospital, Thanjavur, for giving treatment to the alcoholic addicted persons, 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 one previous case is pending against the petitioners in similar nature.

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



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peravurani, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 petitioners failed to surrender before the concerned Magistrate within a period of two weeks 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 petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) jointly through demand draft in favour of the the Dean, Government Medical College Hospital, Thanjavur, for the welfare of the alcohol addicted persons, 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 Dean, Government Medical College Hospital, Thanjavur, is directed to carry out the welfare works as mentioned above in their hospital using the above said



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deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate.

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

(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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
21/03/2024

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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,
PERAVURANI, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THAJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
SETHUBAVACHATIRAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
THANJAVUR.



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+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-3494[I] dated 21/03/2024)

ORDER

IN

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Date :21/03/2024

PKP/JGB/SAR /02.04.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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