



CRL OP(MD) No.4607 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.4607 of 2024

STALIN AROCKIYA SUNDARAM ... PETITIONER/2nd ACCUSED

Vs

THE INSPECTOR OF POLICE
THANJAVUR PROHIBITION ENFORCEMENT WING,
THANJAVUR DISTRICT.
CRIME NO. 136 OF 2024

... RESPONDENT /COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN 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. 136 OF 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 punishable under Sections 4(1)(a), 4(1)(i) r/w 4(1-A) of



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the Tamil Nadu Prohibition Act, 1937 in Crime No.136 of 2024 on the file of the
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respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally carried 39 nos of 180 ML Liquor 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 instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the credit of the Dean, Thanjavur Medical College Hospital, Thanjavur, for the welfare of the patients, without prejudice to his defence before the trial Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner has illegally carried 39 nos of 180ML Liquor Bottles.

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



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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 learned Judicial Magistrate No.2, 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) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in the name of the Dean, Thanjavur Medical College Hospital, Thanjavur, for giving treatment to the patients, without prejudice to his rights and contentions before the trial Court and the petitioner is further directed to produce the copy of the Demand Draft at the time of execution of sureties before the concerned learned Judicial Magistrate and thereafter, sureties shall be accepted.



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(b).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;

(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 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 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/-
22/03/2024

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/03/2024

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

TSG

TO

1.THE JUDICIAL MAGISTRATE NO.2, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

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

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

COPY TO

THE DEAN, THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-3568[I] dated 22/03/2024)



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ORDER

IN

CRL OP(MD) No.4607 of 2024

Date :22/03/2024

RK /JGB(28/03/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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