



CRL OP(MD). No.9699 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. Kumar @ Selvakumar,

2. Sathish @ Anbu Selvam,

... Petitioners/ Accused 2&3

Vs

The Inspector of Police,
Medical College Police Station,
Thanjavur District.
Cr.No.186/2024.

... Respondent/Complainant

For Petitioners : M/s.Senthil.M.P.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 186/2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a), 4(1-A), 4(1)(i) of Tamil Nadu Prohibition Act and 24(1) Cigarette and other Tobacco Products Acts, 2003, 77 of the juvenile justice (Care and Protection of Children) Act, 2015, in Crime No.186 of 2024, seek anticipatory bail.

2.The case of the prosecution is that A1 was found in illegal possession of 191 numbers of liquor bottles (each bottle contains 180 ml) and banned Tobacco products viz., Coolip 12 packets worth about Rs.30,950/- and the sale amount of Rs.690/-. The same were recovered from A1 and he was arrested and remanded to judicial custody. On confession of A1, present case has been registered against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) would submit that A1 was found in illegal possession of 191 numbers of liquor bottles and banned Tobacco products worth about Rs.30950/-. The same were recovered from A1 and he was arrested and remanded to judicial custody. On confession of A1, present case has been registered against the petitioners. However, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Thanjavur.

7.On production of such receipt, the petitioners are ordered to be released on



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bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) 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;

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

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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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229-A IPC.

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

sd/-
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/07/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.II THANJAVUR.

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

3 THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT

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

COPY TO:
THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL, MADURAI EAST

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-7360[I] dated 04/07/2024)



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ORDER
IN
CRL OP(MD) No.9699 of 2024
Date :03/07/2024

SS/VR/SAR- /09/07/2024/6P/7C

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