



CRL OP(MD) No.21367 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21367 of 2023

SASIVALAVAN @ SASIKUMAR

... PETITIONER/ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
CHOLAPURAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.535/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.PR.BOOMEERAJAN, Advocate

For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.535/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/rank not known, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 4(1)(a) & 4(1-A) of TN
Prohibition Act in Crime No.535 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 01.10.2023, when the respondent police
were in surveillance, they intercepted a two wheeler bearing Reg.No.TN-68-T-1047.

<https://www.mhc.tn.gov.in/judis>



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On seeing the police party, the accused person parked the vehicle and fled away from the scene of occurrence. Thereafter, on searching, they found illegal possession of 26 numbers of 180 ml Brandy TASMAC liquor bottles. 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. He further submitted that this is the second anticipatory bail application. Earlier application filed by the petitioner in Crl.OP(MD)No.19526 of 2023 was dismissed by this Court, on 02.11.2023. 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 26 numbers of 180 ml Brandy TASMAC liquor bottles. Further, he is having 11 previous cases. Among them, 6 cases are in similar nature. If he released on anticipatory bail, he will indulge in similar type of offence. However, he fairly conceded that the petitioner has ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for making toilet facility to the welfare of the student, this Court may consider the anticipatory bail for the petitioner.

5.Considering the facts and circumstances of the case and also considering the



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fact that the petitioner is willing to deposit some amount, to the welfare of Government Higher Secondary School, Cholapuram, Kumbakonam Taluk, Thanjavur District, 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 District Munsif cum Judicial Magistrate Court, Thiruvudaimaruthur, 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) the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft in favour of the Headmaster/Headmistress, Government Higher Secondary School, Cholapuram, Kumbakonam Taluk, Thanjavur District, for making toilet facility to the welfare of the girl student.

(ii) the Headmaster/Headmistress of the above said school is directed to



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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 District Educational Officer within a period of eight weeks.

(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. until further orders;

(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;



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(h) if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
03/01/2024

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/01/2024

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

dss

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE, CHOLAPURAM POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
CHOLAPURAM, KUMBAKONAM TALUK,
THANJAVUR DISTRICT.

ORDER IN
CRL OP(MD) No.21367 of 2023
Date :03/01/2024

RS/VR/SAR-(05.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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