



CRL OP(MD) No.547 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.547 of 2024

ELAMARAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.190 OF 2023.

... RESPONDENT/DE JURE COMPLAINANT

For Petitioner : MR.B.DHANASEKARAN, 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.190 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aa) & 4(1)(g) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No.190 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 15.09.2023, when the respondent police were in surveillance near Seruvaviduthi, Thattankulam, they found that the petitioner was in illegal possession of 100 litre of raw materials to manufacture illegal arrack. Hence, the Law Enforcing Agency, registered a case against the



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petitioner.

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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 third anticipatory bail application. Earlier application filed by the petitioner in Crl.OP(MD)No.21818 of 2023 was dismissed by this Court, on 06.12.2023. He further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the welfare of the girl students in any school. Hence, they prayed for the anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the welfare of the girl students in any school, this Court may consider the anticipatory bail for the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit some amount, to the welfare of Government High School, Seruvavidhi North, Pattukottai Taluk, Thanjavur District, this Court is inclined to grant anticipatory bail to the petitioner.

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



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a copy of this order, before the learned Judicial Magistrate, Peravoorani, on condition that the petitioner 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) the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b)(i) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, Government High School, Seruvavidhi North, Pattukottai Taluk, Thanjavur District, for making facilities of Water Purifier (RO System) and Fans to the welfare of the student, within a period of two weeks from the date of receipt of a copy of this order.

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



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sureties.

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

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
11/01/2024

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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



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TO

1 THE JUDICIAL MAGISTRATE, PERAVOORANI.

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

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

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
GOVERNMENT HIGH SCHOOL, SERUVAVIDHI NORTH,
PATTUKOTTAI TALUK, THANJAVUR DISTRICT.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.1546[F] dated 18/01/2024

ORDER
IN

CRL OP(MD) No.547 of 2024

Date :11/01/2024

RS/JGB/SAR-(22.01.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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