

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16613 of 2018

PONNANDI,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.
CR.NO.638 OF 2018

[RESPONDENT]

For Petitioner : M/S.R.THULASI Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.638 of 2018 registered by the respondent police for the alleged offences punishable under Sections 4(1)(b), 4(1)(g), 4(1)(aa) r/w 4(1-A) of Tamil Nadu Prohibition Act.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 100 litres of fermented wash and 55 Litres of I.D.Arrack.

3. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence and that he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in possession of 100 litres of fermented wash and 55 Litres of I.D.Arrack. He would submit that there is no other case as against the petitioner.

5. Taking to consideration the submission made by the learned counsel on either side, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

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 a copy of this order, before the learned Judicial Magistrate-II, Krishnagiri, 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m. And 5.30.p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP. BY
INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

+1 CC to M/S.R.THULASI Advocate on payment of necessary charges-
Sr.12105

CRL OP.16613/2018

Date :02/07/2018

ths : 09.07.2018