

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.16703 of 2018

JEGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY ITS
THE STATION HOUSE OFFICER,
THIYAGADURGAM
POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.327 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.KUMARAVEL 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.327 of 2018 registered by the respondent police for the alleged offences punishable under Sections 4(1)(a), 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 10 litres of Illicit 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 10 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, Kallakurichi, Villupuram 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 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,KALLAKURICHI,
VILLUPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
THIYAGADURGAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.R.KUMARAVEL Advocate on payment of necessary
charges SR.NO. 12065

CRL OP.16703/2018

Date :02/07/2018

RD 09/07/2018