

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7926 of 2020

Pandiyan,
S/o. Kaliyamoorthy,
Rettai Kulam Village,
Bhuvanagiri Taluk,
Cuddalore District. .. Petitioner / Accused No.2

Vs.

State Represented by
Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District. .. Respondent / Complainant

[Crime No. 196 of 2020]

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. G. Pugazhenthir

For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act, in Crime No. 196 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that, on 21.04.2020, when the defacto complainant and his Police party, were checking the vehicles in respect of prohibition of offences, on secret information, they went to the burial ground situated at Vellar river Rettaikulam and found that two persons were standing in a suspicious manner. On seeing the Police, the petitioner escaped and the other person was caught by the Police. On search, it was found that A1 was in possession of 9 brandy bottles containing poisonous substances. A1 was arrested and the bottles were seized. On complaint, a case has been registered under Sections 4(1)(a) and 4(1-A) of the Tamil Nadu Prohibition Act.

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 the present case, based on the false confession of A1. The petitioner is ready and willing to abide by any condition that may be imposed by this Court and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner and A1 were selling liquor, mixing with poisonous substances, endangering the safety of the person who drinks. The investigation is pending and if the petitioner is granted anticipatory bail, he will indulge in committing offences of similar nature and hence, opposed for granting anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and nature of allegation made against the petitioner, the date of occurrence and A1 is enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain

conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of the District Munsif cum Judicial Magistrate, Parangipettai, Cuddalore 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 District Munsif cum Judicial Magistrate, Parangipettai, Cuddalore District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) The petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) The petitioner shall report before the respondent Police daily at 10.30 a.m, until further orders.

(iii) The petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

29.05.2020

Index : Yes / No
gsa

To

1.The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

V.M.VELUMANI, J.,

gsa



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