

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3809 of 2021

SATHIYARAJ

[PETITIONERS / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
DESUR POLICE STATION,
TIRUVANNAMALAI DISTRICT,
CRIME NO.876/2020.

For Petitioner : M/S.M.REBECCA Advocate

For Respondent : MRS.S.THANKIRA, GOVERNMENT ADVOCATE [CRL. SIDE]

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 4 (1) (aaa) and 4 (1-A) (ii) of TN Prohibition Act r/w Section 6 and 7 of the Rectified Spirit Rules 2000, in Crime No.876 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, while the respondent police was on patrol duty, the petitioner had illegally transported 100 cans each containing 35 liters of rectified spirit by using lorry bearing Registration No.TATA 909 TN 23 AE 5520 . Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused have already been arrested and thereafter they were released on bail. He would further submit that there is no previous case as against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner had illegally transported 100 cans each containing 35 liters of rectified spirit by using lorry bearing Registration No.TATA 909 TN 23 AE 5520 . She would further submit that the entire contraband was seized by the respondent police. She

would further submit that there is no previous cases as against the petitioner. However, she vehemently opposed grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the entire contraband was seized and co-accused have already been arrested and thereafter they were released on bail and there is no previous case pending as against the petitioner, this Court is 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 on which the order copy made ready, before the learned Judicial Magistrate, Vandavasi, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent police daily at 10.30 a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
26/02/2021

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DESUR POLICE STATION,
TIRUVANNAMALAI DISTRICT,

+1 CC to M/S.M.REBECCA Advocate on payment of necessary charges
SR.NO.2555

CRL OP.3809/2021

Date :26/02/2021

TA-09/03/2021

सत्यमेव जयते

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