

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.697 of 2021

Deenadhayalan

... Petitioner

-Vs-

State rep by
The Inspector of Police,
Sirkazhi PEW Police Station,
Sirkazhil,
Nagapattinam District
(Crime No.1047 of 2019)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1047 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.L.Kasparov Anand

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4 (1) (aaa), 4(1-A) of TNP Act, in Crime No.1047 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.12.2010, the respondent police was on patrol duty, they found this petitioner was in possession of 110 litres of pundy arrack and also 2400 brandy bottles liquor bottles and the said contraband was seized by the respondent police. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is illegally found in possession of 110 litres of Pondy arrack and 2400 brandy bottles and the same was seized by the respondent police. He would further submit that there are no previous case pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the entire contraband has already been seized and that there is no previous case as against the petitioner, I am 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 a copy of this order, before the learned Judicial Magistrate, Sirkazhi, on executing 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 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 as and when required for interrogation.

[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

<https://hcservices.courts.gov.in/hcservices/> Section 229-A IPC.

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

-sd/-

21/01/2021

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,
SIRKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIRKAZHI PEW POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.L.KASPAROV ANAND Advocate on payment of
necessary charges SR NO. 678

CRL OP.697/2021

Date :21/01/2021

WEB COPY

MN-27/01/2021