

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1145 of 2021

Vijaypraba @ Vijayaprabha

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.3037 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.3037 of 2020 pending on the file of the respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as A2 in this case. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 4(1)(aaa) read with 4 (1-A) ii of T.N.P. Act, in Crime No.3037 of 2020, on the file of respondent police and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that A1 along with the petitioner are said to have found in possession of 100 litres of I.D. Arrack in the mud-pot. As per the F.I.R., A1 was arrested by the respondent police and this petitioner is absconding. In the said circumstances, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed by the petitioner seeking to grant anticipatory bail. Now, it is stated that A1 was released on bail on 08.01.2021.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in this case and the

other accused A1 was arrested and he was released on bail on 08.01.2021. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 along with the petitioner were found in possession of 100 litres of I.D. Arrack. He would submit that A1 was arrested and released on bail. He would submit that there is no previous case pending against the petitioner. Hence, the criminal case has been registered against the petitioner and he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the other arrested accused A1 was released on bail and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 No.II, Thiruvannamalai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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

[g] 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/-

27/01/2021

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 NO.II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI.

+1 CC to M/S R.BALAKRISHNAN Advocate on payment of necessary charges SR NO. 939

सत्यमेव जयते

CRL OP.1145/2021

Date :27/01/2021

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MN-04/02/2021