

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Third day of February Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.1238 of 2021

KABIL [PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
RATHINAGIRI POLICE STATION,
RATHINAGIRI,
RANIPET DISTRICT.
CRIME NO.220 OF 2020. [RESPONDENT]

For Petitioner : M/S.S.P.ARTHI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(b), 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.220 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that on 21.04.2020, when the respondent police were in patrol duty two persons were sitting along with a bag and on seeing the police he escaped from the place of occurrence and from there they found 30 liters of ID arrack. On enquiry they came to know that the petitioner was selling Arrack. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was in possession of 30 liters of ID arrack. He further submitted that the petitioner has no previous case.

5. Considering the facts and circumstances of the case, 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, Arcot, Vellore**, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed 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, as and when required for interrogation.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/02/2021

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.

[*]Being mentioned and Time to execute sureties, is extended for a further period of two weeks from the date of receipt of a copy of this order, as per order of this Court dated 10/03/2021.

TO

**1 [*]JUDICIAL MAGISTRATE,
ARCOT, VELLORE**

2 THE JUDICIAL MAGISTRATE,
GINGEE.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
RATHINAGIRI POLICE STATION,
RATHINAGIRI,
RANIPET DISTRICT.

+1CC to M/S.S.P.ARTHI Advocate on payment of necessary charges
SR NO.3143

CRL OP.1238/2021

Date :23/02/2021

MK:09/03/2021

MK:17/03/2021