

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

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

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4396 of 2021

M.KUMAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY

[ RESPONDENT ]

THE DEPUTY SUPERINTENDENT OF POLICE,  
PEW-PERIYAPALAYAM POLICE STATION,  
THIRUVALLUR.  
(CRIME NO.67/2021)

For Petitioner : M/S.K.ARUNPRASAD 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 :-

**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 under Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, Section 328 of IPC and Rule 7 & 11 of Tamil Naud Rectified spirit Rules 2000, in Crime No.67 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. Totally, there are 11 accused persons involved in this crime and the petitioner is arrayed as A9. The case of the prosecution is that the petitioner along with other accused persons had transported 15690 litres of Rectified Spirit and kept in a godown belonging to A7. Hence, the crime has been registered.

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 the petitioner is acting as an agent and the godown belongs to A7. He would further submit that based on the confession of one of the accused, he was implicated in this case. He would further submit that he has no role to play and the other accused had already been arrested and thereafter they were

released on bail.. He would further submit that there is no previous case pending as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons had transported 15690 litres of Rectified spirit. He would further submit that based on the confession of co-accused, the petitioner was implicated and confession copy has also been produced.

5. It is seen from the records that the petitioner is only an agent, and the main accused was already been arrested and they were released on bail, it is further submitted that there is no previous case pending as against the petitioner.

6. Considering the facts and circumstances of the case that the co-accused had already been arrested and thereafter they were released on bail and the petitioner is only an agent and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.1, Thiruvallur, 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, the petition for anticipatory bail shall stand dismissed and on further conditions 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 appear 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
26/03/2021

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,  
PEW-PERİYAPALAYAM POLICE STATION,  
THIRUVALLUR.

+1 CC to M/S.K.ARUNPRASAD Advocate on payment of necessary charges SR.NO.4155

CRL OP.4396/2021

Date :26/03/2021

TA-09/04/2021