

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5149 of 2021

IMMANUVEL

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
D-2, CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.
CR.NO.3031 OF 2020.

For Petitioner : M/S.S.SATHEESHKUMAR Advocate

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

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.3031 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that on 30.11.2020, when the respondent police were in patrol duty they found the petitioner and his mother (A1) were sitting with a gunny bag, on seeing the police they escaped from the place of occurrence and from there they found 25 brandy bottles each containing 180 ml of ID arrack. On enquiry they came to know that the accused were selling liquor. 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. He further submitted that A1 was granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was in possession and selling brandi bottles. He further submitted that the co-accused was granted bail.

5. Considering the facts and circumstances of the case and the fact thta co-accused was granted bail, 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-II, Chengalpattu**, 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/-
15/03/2021

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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, CHENGAPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

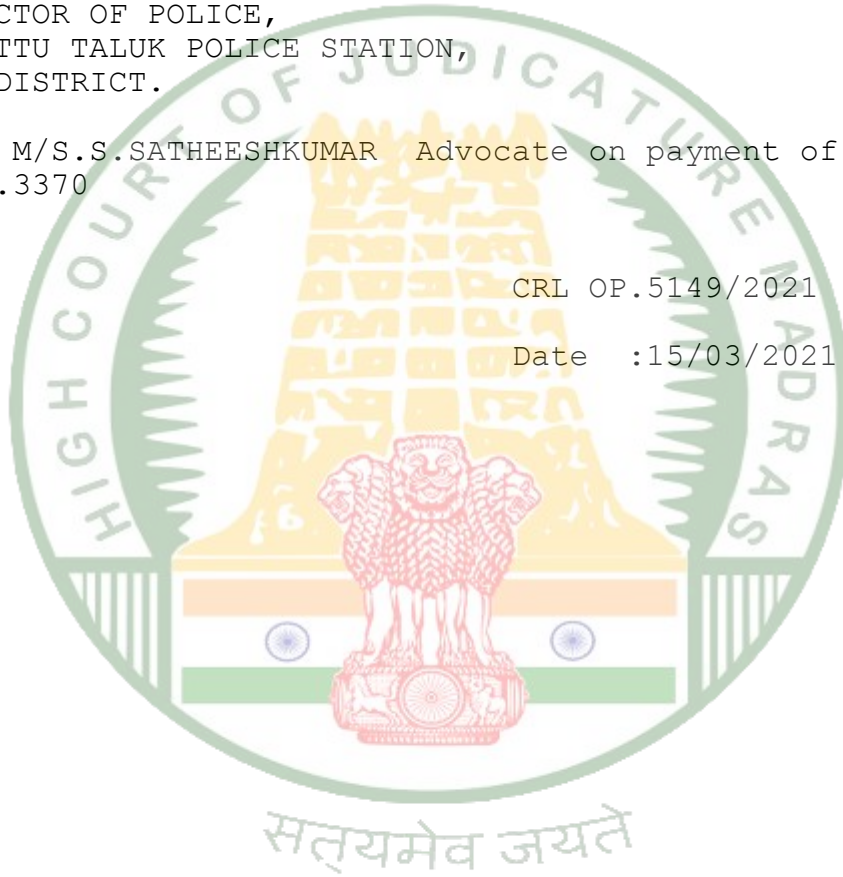
4 THE INSPECTOR OF POLICE,
D-2 CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S.S.SATHEESHKUMAR Advocate on payment of necessary
charges SR.NO.3370

CRL OP.5149/2021

Date :15/03/2021

TA-30/03/2021



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