

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5463 of 2021

RANI [PETITIONER / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
P.E.W. SIRKAZHI POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.882 OF 2020.

For Petitioner : M/S.R.PARTHIBAN 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 in connection with the case in Crime No.882 of 2020 on the file of the respondent police for the alleged offence u/s 4(1)(aaa) r/w Section 4(1-A) of Tamil Nadu Prohibition Act, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The allegation is that while conducting routine check up at Aakoor road, the petitioner was found transporting 480 litres of illicit arrack from Pondicherry.

4. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and he has been falsely implicated in the case. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor stoutly opposed the petition for anticipatory bail. He, however, fairly submitted that there is no previous case reported against the petitioner and A1, who was arrested and remanded to judicial custody, had been granted bail.

6. Considering the facts and circumstances of the case and also the fact that there is no previous case reported against the petitioner and the main accused had been released on 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, Tharangambadi**, 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, 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 report before the respondent police as and when required by the police 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
19/03/2021

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,
THARAGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P.E.W. SIRKAZHI POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges SR.NO.3795

CRL OP.5463/2021

Date :19/03/2021

TA-30/03/2021

WEB COPY