

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 5592 of 2021

Venkatesan

... Petitioner

-Vs-

The State

Represented by its,
Inspector of Police,
Ambalur Police Station,
Thirupathur District.
(Crime No. 34 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.34 of 2021 on the file of the respondent.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

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) and 4(1-A) of TN Prohibition Act, in Crime No. 34 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.03.2021 while conducting a routine checkup at Arapandakuppam Manthi Veetu Vattam, nearby Kundi Mariamman Kovil at about 19.00 hours, a two-wheeler was stopped and the person riding the vehicle ran away from the spot. On searching the vehicle, 105 litres of ID Arrack was seized. Hence, the complaint was registered in Crime No. 34 of 2021.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with this crime and they have been falsely implicated in this case. The learned counsel for the petitioner further submitted that the petitioner is not having any bad antecedents and would duly abide by the conditions to be imposed by this Court. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 105 litres of ID Arrack and hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate, Vaniyampadi 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, this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/03/2021

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,
VANIYAMPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
THIRUPATHUR DISTRICT.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges
SR.No.3964

CRL OP.5592/2021

Date :22/03/2021

cs 30/03/2021