

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 23.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5640 of 2021

Syed Mustafa

... Petitioner/2<sup>nd</sup> Accused

-Vs-

State Rep. by

The Inspector of Police,  
Namakkal Police Station,  
Namakkal District.

Crime No.446 of 2021

... Respondent/Complainant

**Prayer:** Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioner on bail in the event of his arrest in Crime No.446 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan  
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 offence punishable under Section 4 (1)(a), 4(1-A) of TNP Act, in Crime No.446 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A1 were found in illegal possession of 10 brandy bottles (180 ml each) and sold to the General Public. Hence, the complaint.

3.The learned counsel appearing 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 never indulged in any such offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with A1 were found in illegal possession of 10 brandy bottles (180 ml each) and sold to the General Public. He further submitted that there are no previous cases pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions:

[a] 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 No.1, Namakkal, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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.**

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

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

-sd/-

23/03/2021

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.

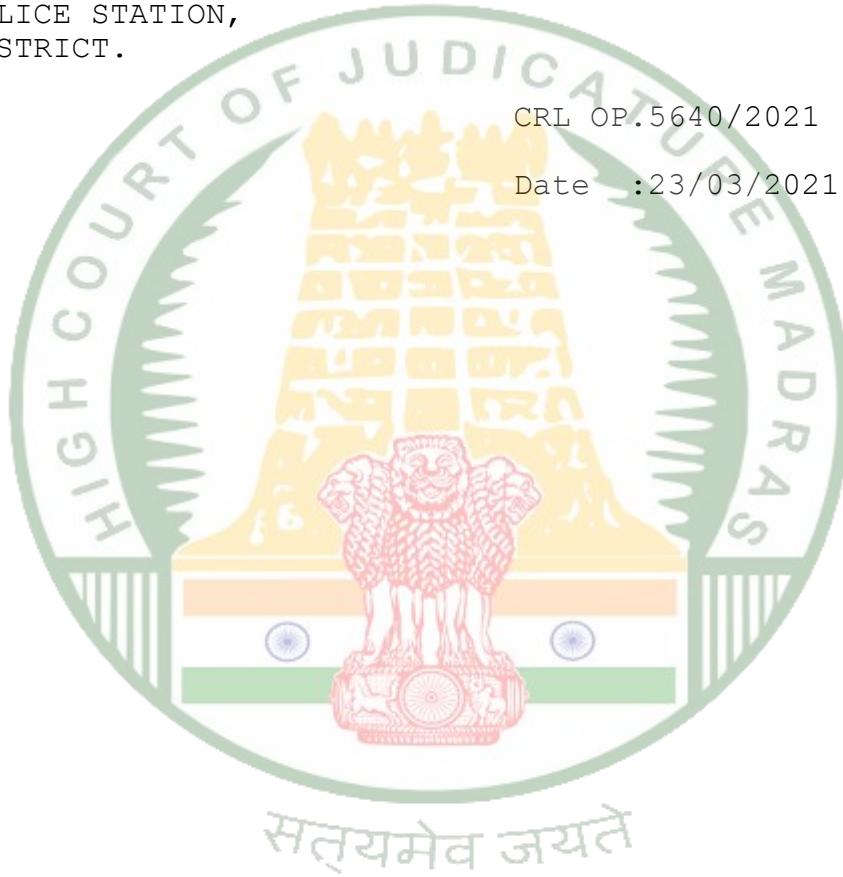
TO

1. THE JUDICIAL MAGISTRATE No. I,  
NAMAKKAL.
2. THE CHIEF JUDICIAL MAGISTRATE,  
NAMAKKAL DISTRICT. (FOR INFORMATION)
3. THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,  
NAMAKKAL POLICE STATION,  
NAMAKKAL DISTRICT.

CRL OP.5640/2021

Date : 23/03/2021

TK/17.04.2021



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