

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.7060 of 2021

Venkatesan

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Gangavalli Police Station
Salem.
(Crime No.38 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.38 of 2021 pending on the file of the respondent.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.Charles Premkumar
Govt. Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Section 4(1)(aaa), and 4(1-A) of TN Prohibition Act, in connection with Crime No.38 of 2021 on the file of respondent police and this is the second petition seeking for anticipatory bail filed by the petitioner.

2. The case of the prosecution is that the petitioner was found in illegal possession of 110 litres of ID Arrack. Hence, the complaint was registered against the petitioner.

3. Earlier, this Court had passed an order dated 17.02.2021 in Crl.O.P.No.2961 of 2021 dismissing the petition on the ground that there is ban antecedents against the petitioner and the investigation is still pending.

4. Today, when the matter taken up for hearing, the learned Government Advocate, on instructions, would submit that there is no bad antecedents pending against the petitioner and earlier, it has been wrongly stated that there is one previous case pending against the petitioner. It was also stated that the investigation is almost completed.

5. Taking into consideration of the fact that there is no bad antecedents against the petitioner and now, the investigation is almost completed, 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, Attur, 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, 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 daily at 10.30 a.m. for the period of two weeks and thereafter 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 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];

[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/-
23/04/2021

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-II,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.GANESAN Advocate on payment of necessary charges

CRL OP.7060/2021

Date :23/04/2021

MN-29/06/2021