

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7627 of 2021

E.PRARANTHAMAN

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

SUB-INSPECTOR OF POLICE,
SIPCOT POLICE STATION, GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.
CR.NO.88 OF 2021.

For Petitioner : M/S.R.RAMESH Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (a), 4(1-A) TNPC Act, Transporting in Crime No.88 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police was on regular checkup, they found that the petitioner was in possession of 96 beer bottles. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that on 03.04.2021, the petitioner had purchased the beer bottles from the TASMACH Shop and he is also having necessary receipts for purchasing the same. It is further submitted that when the inspection was conducted, the petitioner produced the concerned receipts, but the police authorities, not satisfied with that, registered a case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail by stating that the petitioner was in possession of 96 beer bottles.

5.Taking into consideration the submissions advanced on behalf of the petitioner and the fact that the petitioner had purchased the beer bottles from the TASMACH Shop and is also in possession of necessary receipts and there being no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Munsif-Cum-Judicial Magistrate, Gummidipoondi, Tiruvallur District 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-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 MUNSIF CUM JUDICIAL
MAGISTRATE, GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 SUB-INSPECTOR OF POLICE,
SIPCOT POLICE STATION, GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.RAMESH Advocate on payment of necessary charges
sr.5284

CRL OP.7627/2021

सत्यमेव जयते Date : 23/04/2021

RVR 29/04/2021

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