

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.8952 of 2021

RAMARATHINAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVOTTIYUR POLICE STATION,
CHENNAI DISTRICT.
CR NO.151/2021

[RESPONDENT]

For Petitioner : M/S. S.SILAMBUSELVAN Advocate

For Respondent : M/S. L.BASKARAN, 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 offence punishable under Section 4(1)(a), 4(1-A), 24 of TNP Act in Crime No.151 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is owning a liquor shop. The supplier of his bar has sold the liquor at a higher price. Hence a complaint has been registered against him and 45 Beer Bottles, 6 Brandy Bottles and cash of Rs.18,750/- have been recovered from the petitioner's shop.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been wrongly implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Learned Government Advocate appearing for the respondent would submit that totally there are two accused in this case and the petitioner herein is the 1st accused in the above crime. He would also submit that there is no previous case against this petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and costs. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Learned Judicial Magistrate, Thiruvottiyur, 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, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall pay cost of Rs.20,000/- to Tamil Nadu Covid Relief Fund within a period of two weeks from today i.e. 07.06.2021.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four 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.

-sd/-
07/06/2021

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVOTTIYUR POLICE STATION,
CHENNAI DISTRICT.

5 THE OFFICER INCHARGE
TAMIL NADU COVID RELIEF FUND.

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

सत्यमेव जयते

WEB COPY

CRL OP.8952/2021

Date :07/06/2021

cs 12/07/2021