

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.9305 of 2021

Pushparaj

... Petitioner

Vs.

State Rep. by
Station House Officer,
Kadampuliur Police Station,
Cuddalore District.
Crime No.162 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.162 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mr.A.Damodaran
Government Advocate (Cr1.Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(K), 4(1)(h), 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act and Section 14A of Tamil Nadu Prohibition Act r/w 420, 468, 471, 473 of IPC in Crime No.162 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons were manufacturing duplicate IMFL with counterfeit seal and illegally transported 120 litres of illicit arrack. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case based on the confession statement given by co-accused. He would further submit that A2, A3, A4, A10 and A11 have been arrested and released on bail before the learned Principal Sessions Judge, Cuddalore. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally 11 accused persons in which the petitioner was arrayed as A7. The petitioner and other accused persons have manufacturing and transporting illicit arrack. He further submitted that there is no previous case pending as against the petitioner.

5. Considering the above fact and circumstances of the case and taking note of the fact that the co-accused have already been released on bail, inspite of objections raised by the prosecution, 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 four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate No.II, Panruti, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/05/2021

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.II,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.M.RAHAMATH ALI Advocate on payment of necessary charges

CRL OP.9305/2021

Date :26/05/2021

MK:07/07/2021

WEB COPY