

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

CrI.O.P.No.9596 of 2021

R.Rajesh Kumar

... Petitioner

Vs.

The Inspector of Police,
Kullanchavadi Police Station,
Cuddalore District.
Cr.No.159 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.159 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Rajmohan

For Respondent : Mr.A.Damodaran
Govt. Advocate (CrI.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)(aaa), 4(1-A), 4(1)(g), 14A of Tamil Nadu Prohibition Act and
Sections 328, 465, 468, 471 of I.P.C. r/w Section 7 of Essential
Commodities Act, 1955, in Crime No.159 of 2021, on the file of the
respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along
with other persons are manufacturing fake liquor. Hence, a case was
registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an Engineer by profession and he has been
falsely implicated in this case. Hence, he prays to grant
anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the
respondent would submit that the the petitioner along with other
persons are manufacturing fake liquor consisting of 40 numbers of 180
ml bottles and machineries. He would further submit that there is no
previous case pending against the petitioner. Hence, he would oppose
to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is granted anticipatory bail in the event of his arrest or on his appearance, before the learned District Munsif-cum-Judicial Magistrate, Kurinjipadi, on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) within a period of four weeks from the date of normal functioning of the Court below to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and 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 appear before the respondent police 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 absconds, 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KURINJIPADI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
KULLANCHAVADI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9596/2021

Date :26/05/2021

RVR 05/07/2021



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