

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

Crl.OP.No.9668 of 2021

Kalanithi

... Petitioner

Vs.

State rep. by

The Inspector of Police (PEW),
Mayiladuthurai Police Station,
Mayiladuthurai,
Nagapattinam District.
Crime No.614 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.614 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

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

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1)(aaa), r/w 4(1-A) of TNP Act and 4 & 5 of Tamil Nadu rectified spirit Rules 2000 in Crime No.614 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while conducting prohibition raid by the respondent police, the petitioner was found in possession of 110 litres of ID Arrack and it was seized by the respondent police.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.Side) submitted that there are nine previous case pending against this petitioner and hence, he vehemently opposed to grant anticipatory bail to this

5. Taking into consideration of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.I, Mayiladuthurai, 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, as and when required.

[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.

[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/-
27/05/2021

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.I,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (PEW),
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI,
NAGAPATTINAM DISTRICT.

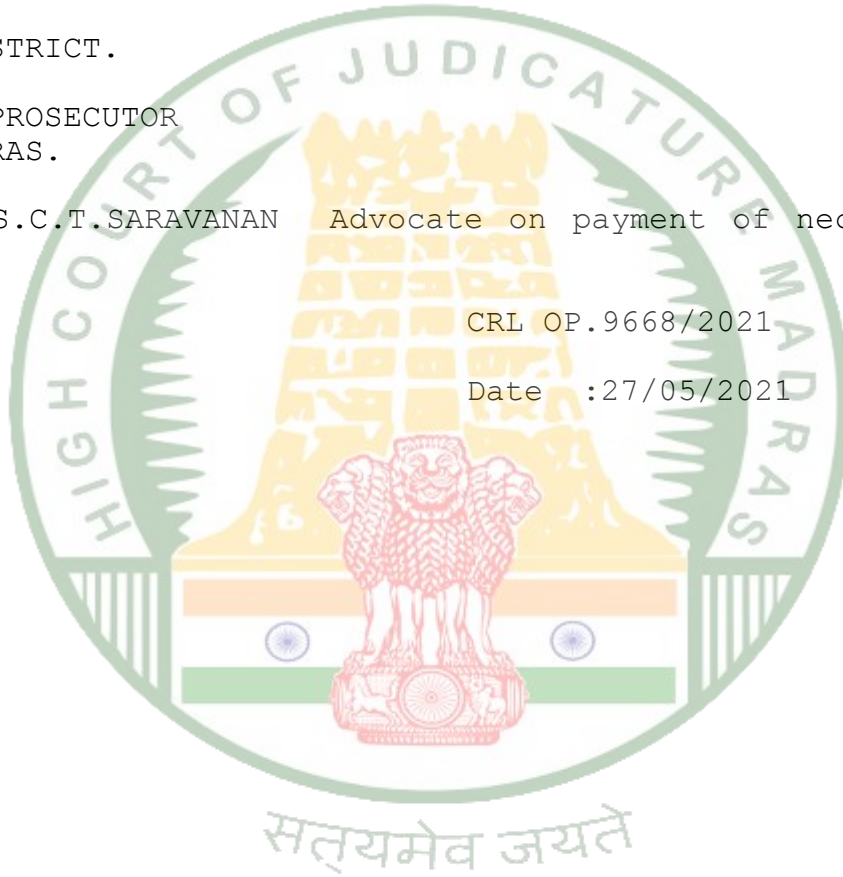
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9668/2021

Date :27/05/2021

MK:07/07/2021



WEB COPY