

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.9785 of 2021

Venkat

... Petitioner

Vs.

State, rep. by
Inspector of Police,
Magaral Police Station,
Kanchipuram District
(Crime No.209 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.209 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

O R D E R

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.' for the sake of brevity) by the petitioner with a prayer for anticipatory bail apprehending arrest by the respondent State for alleged offences punishable under Sections 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act, 1937 vide Crime No.209 of 2021 on the file of Magaral Police Station, Kancheepuram District.

2. Heard Mr.S.Saravanan, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of the respondent.

3. It is submitted by the learned counsel for the petitioner that 40 nos. of 180 ml bottles of liquor was seized from the petitioner and two others on 22.05.2021. It is also submitted that there is no adverse antecedents qua the petitioner. Petitioner is innocent, he is a law abiding citizen and he has been needlessly and falsely added / implicated in aforementioned case is learned counsel's further say. It is also submitted that two others from whom the seizure was made have been arrayed as A1 and A2 and they have been enlarged on bail vide order dated 03.06.2021 in CrI.M.P. Nos.910 and 911 of 2021 on the file of the learned Principal District and Sessions Judge, Kancheepuram.

4. There is no dispute by the learned State Counsel regarding the submission of the petitioner's counsel that the petitioner has not come to the adverse notice of the respondent police earlier. In other words submission of learned petitioner counsel that there is no adverse antecedents qua petitioner is not disputed by learned State Counsel (on instructions).

5. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail. This Court does so albeit on the conditions that would be adumbrated elsewhere infra in this order.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.II, Kanchipuram, 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure their identities;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness/es either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is 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 / itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that if the accused/ petitioner herein thereafter absconds, consequences ingrained in Section 229-A of the Indian Penal Code 1860 will follow wherever applicable.

-sd/-

04/06/2021

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,
NO.II, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MAGARAL POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges
SR.No.6382

CRL OP.9785/2021

Date :04/06/2021

cs 22/06/2021